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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1502nd meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 4 July 2017, at 10 a.m.

Chair: Ms. Leinarte

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* No summary record was issued for the 1501st meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Italy (CEDAW/C/ITA/7; CEDAW/C/ITA/Q/7; and Add.1)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*

2. **Mr. Petri** (Italy), introducing his country's seventh periodic report, said that the Government of Italy was working to improve the situation of women's human rights through the adoption of an increasingly integrated set of policies and measures. It was fully aware of the need to involve civil society in all efforts to eliminate discrimination against women and recognized that it needed to do more in that area. In the absence of an independent national human rights institution, the Interministerial Committee for Human Rights had assumed responsibility for maintaining a dialogue with civil society. To that end, the position of civil society liaison officer had been created within the Interministerial Committee in January 2017. The Interministerial Committee had made a special effort to involve civil society in the drafting of the third National Action Plan on Women, Peace and Security for the period 2016-2019, in accordance with Security Council resolution 1325 (2000). Moreover, the Department for Equal Opportunities had set up a national observatory on violence in cooperation with civil society. The Government had carefully considered the civil society submissions posted on the Committee's website and had studied the Committee's previous concluding observations (CEDAW/C/ITA/CO/6), which had been translated into Italian and disseminated among all relevant actors. Italy had demonstrated its commitment to the promotion of human rights by the submission of its candidacy for the elections to the Human Rights Council.

3. Recent legislative developments included the entry into force of a law on flexible working arrangements and a law to combat cyberbullying. The Interministerial Committee for Human Rights had been working with the relevant parliamentary committees and civil society to help push through a bill to establish an independent national human rights institution. The amended draft legislation in question was currently awaiting approval.

4. The Equal Opportunity Code had recently been amended. Articles 12 to 20 of the Code were devoted to the role and responsibilities of equality councillors, who were responsible for handling complaints of gender-based discrimination lodged by female workers. The Superior School of the Judiciary provided human rights refresher courses covering the principle of non-discrimination and the phenomenon of gender-based violence. In order to support women who were victims of violent crimes and to ensure coordinated action in that connection, memorandums of understanding had been signed by key local stakeholders and the judicial authorities. Since 2000, the National Institute of Statistics (ISTAT) had been rolling out a national information system on disability for the purpose of collecting relevant data.

5. The Extraordinary National Action Plan on Violence against Women had been adopted in July 2015. In November 2016, the Department for Equal Opportunities had signed memorandums of understanding with the Carabinieri (gendarmerie) and the State police on the provision of training on gender-based violence. Similar training had already been provided to 30 accident and emergency doctors, and there were plans to offer such training throughout the country. The arrangements for setting up a national database on gender-based violence had been finalized in November 2016 and would be put into place in cooperation with the ISTAT. According to a survey conducted by the Institute in 2015, foreign women were victims of sexual or physical violence on a scale similar to Italian women. However, there had been a reduction in the number of cases of sexual and physical violence recorded in 2006 owing to women's increased awareness of protection mechanisms. The new National Action Plan against Gender-based Violence, which would likely be adopted in summer 2017, would be fully in line with national and international standards, such as the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

6. The purpose of the first National Action Plan against Trafficking in and Serious Exploitation of Human Beings, adopted by the Council of Ministers in February 2016, was to develop long-term strategies to prevent and combat those phenomena. Act No. 47/2017 on foreign unaccompanied minors, which had been passed in April 2017, was aimed at guaranteeing unaccompanied minors who had been trafficked specific protection.

7. Efforts were being made to increase women's participation in all decision-making and political processes and their representation in positions of leadership. The adoption of Act No. 65/2014 had led to an increase in the number of Italian women sitting in the European Parliament. At home, 30.1 per cent of parliamentarians were women, which was above the European Union average. Act No. 120/2011 required publicly listed and State-owned companies to take steps to increase the representation of women on their boards. Following the entry into force of the Act, the percentage of women in publicly listed companies had risen to 27.6 per cent. In 2015, 12 out of 129 ambassadors were women and 11 women were serving as a Consul or Consul-General.

8. The Government remained committed to facilitating the social integration of Roma women, who were particularly disadvantaged in Italy. The National Office against Racial Discrimination had recently established a national platform for Roma integration in cooperation with representatives of the Roma and Sinti communities. Italy also remained at the forefront of a massive effort to save lives at sea in the wake of the dramatic events unfolding in the Mediterranean. A system of protection for asylum seekers and refugees was in operation across the country and was intended to provide asylum seekers, including female asylum seekers, with the requisite care.

9. A law recognizing civil unions of same-sex partners and its implementing decrees had been adopted in 2016 and 2017, respectively, constituting an important step forward in the fight against discrimination on the basis of sexual orientation and for the protection of the rights of the lesbian, gay, bisexual, transgender and intersex community. Under the law, foreign nationals from countries where sexual orientation was a ground for discrimination and homosexuality was criminalized needed only to provide certification of each partner's single status to enter into a civil union.

10. Recent developments in the education and science sector included the adoption of Legislative Decree No. 66/2017 on the promotion of the inclusion of students with disabilities in schools. In June 2017, the Ministry of Education had called for the establishment of a national observatory to monitor educational initiatives to promote gender equality and to combat gender-based violence. The Department for Equal Opportunities had undertaken several campaigns to raise awareness of the need to eradicate gender stereotypes, including through the media. Data were also collected on gender stereotypes and on attitudes towards gender-based violence. To increase public awareness of women's health, the Government had declared 22 April Women's Health Day.

11. A decree on gender budgeting had been adopted in June 2017. Since 2010, the Department for Equal Opportunities had been promoting the implementation of the 2010 Agreement on Reconciliation between Work and Private Life. Compulsory paternity leave had also been introduced pursuant to European Council Directive No. 2010/18/EU on parental leave. Furthermore, according to the latest Organization for Economic Cooperation and Development report on entrepreneurship, Italy had the second highest number of female entrepreneurs and self-employed women. The principles of non-discrimination and gender equality enshrined in the Constitution afforded women, including women with disabilities, protection against any form of discrimination with respect to employment, access to public or elected office and maternity.

12. In 2016, the budget of the national health-care system had been €111 billion. Since the entry into force of Act No. 194/1978 on abortion, the Ministry of Health submitted a report to the parliament each year. Data on conscientious objection to abortion had always been collected at the regional level and, since 2013, was collected by a single entity. The number of medical practitioners performing abortions had remained stable and the number of abortions had halved between 1983 and 2014. There were 22 million women living in rural areas in 2015. Numerous regional and local initiatives had been undertaken to increase women's participation in and access to farming. In order to address irregularities in the

agricultural sector, which affected mainly women and migrants, the parliament had passed Act No. 199/2016 to fight against undeclared work and exploitation. Efforts to implement the Act were under way. The first national plan on business and human rights had been launched in December 2016. In recent years, the Government had been promoting policies to support and develop early childhood educational services. The 2017 budget law provided for the introduction of additional measures to support future parents and parents with young children.

Articles 1 to 6

13. **Ms. Schulz**, noting that the austerity measures imposed by the State party seemed to have had a disproportionate impact on women, asked whether it planned to revise those measures and to reinstate funding for the welfare, social, health and educational services used mostly by women for themselves or on the behalf of persons under their care, particularly children and older persons.

14. She said that the State party was to be commended on its generosity and on the courageous role that it had played in rescuing tens of thousands of persons at sea, providing them with housing, food, schooling and care. She also welcomed the State party's comprehensive framework for the protection of women's rights and decision to include gender-based persecution as a ground for recognizing refugee status. However, the Committee was concerned that the living conditions in migrant reception centres were sometimes inadequate and that rescue boats operated by non-governmental organizations (NGOs) could soon be banned from entering Italian ports. She asked how the State party intended to ensure that migrant reception centres had adequate capacity to house asylum-seeking and refugee women and enough trained female staff to attend to them. She would also like to hear more about the logistical arrangements in place to minimize the risk of those women suffering further gender-based violence in migrant reception centres. It would also be useful to know whether the State party provided the NGOs dealing with the influx of asylum seekers and other migrants with the funding necessary for them to operate effectively and whether it had standardized procedures across national migration services, NGOs and migrant reception centres. She would be interested to know whether the State party considered the possible ban on NGO rescue boats entering Italian ports to be compatible with its international human rights obligations.

15. Although the State party had adopted many laws and regulations intended to combat gender-based discrimination and to promote gender equality, there appeared to be serious shortcomings in their implementation. There was a clear discrepancy between the legislative and practical measures taken to combat gender-based discrimination and those taken to combat racial discrimination. Furthermore, the legal protection available against discrimination based on sexual orientation and gender identity was far from comprehensive, as it was provided for in some laws but not in others. She wished to know whether the State party planned to modify article 3 of the Constitution and Act No. 205/1993 to expand the protection that it offered to cover all grounds of discrimination, including sexual orientation and gender identity. She would welcome further details of the State party's ongoing efforts to raise awareness about women's rights.

16. While she welcomed the guaranteed availability of free legal aid for female victims of violence, regardless of their income, she wondered whether that sufficient legal aid was provided to women who had suffered discrimination in the workplace or who were going through a difficult divorce. She asked what measures the State party had taken to protect the rights of women who were victims of multiple discrimination, such as migrant, Roma, Sinti, Traveller and asylum-seeking women. She wished to know whether members of the judiciary, law enforcement personnel and the staff of social, medical and educational services underwent compulsory training and whether the State party planned to take steps to expedite and improve the handling of cases involving gender-based violence.

17. **Mr. Palma** (Italy) said that the Government attached great importance to gender budgeting as part of its broader gender mainstreaming strategy. Following the adoption of the decree on gender budgeting on 16 June 2017, all central State entities were required to take account of the gender dimension in administering their respective budgets. Central State entities were also required to categorize their budget items as either "neutral",

"sensitive" or "other" and revise their expenditure in an effort to reduce gender inequality. Guidelines would be issued to all central State entities to assist them with that task. ISTAT would work with the central Government over the coming year to develop indicators to measure compliance with the decree. The Presidency of the Council of Ministers was responsible for coordinating activities in that connection. Compliance with and efforts to enforce the decree would be assessed and a report published by the end of September 2017.

18. **Ms. Battilomo** (Italy) said that, since 2013, health personnel dealing with migrants received training on the cultures and health-care systems in different countries and the procedures and guidelines to be followed. Guidelines had been published on the treatment of vulnerable groups of migrants, such as women, children and victims of torture. A fund, partially financed by the European Union, had been set up to provide medical assistance at sea. Mediators had also been assigned to deal with gender-sensitive issues.

19. A significant share of the national budget was devoted to health, and health expenditure was expected to rise in the coming years. Gender budgeting had been used to assess funding for hospitals and measures to prevent violence against women. Health-care services had been modernized, with a particular focus on women's, children's and maternal health care.

20. **Mr. Palma** (Italy) said that distinguishing between migrants and trafficked persons had proved challenging. National mechanisms had thus been established to detect and provide targeted assistance for women victims of trafficking and operated in cooperation with the relevant international mechanisms. Reception centres for victims of trafficking were also being established. In addition, in cooperation with the Ministry of the Interior, the Department for Equal Opportunities was working to provide shelter for women victims of violence and training for persons working with such victims.

21. **Mr. Petri** (Italy) said that the Government had participated actively in the development of a global compact for safe, orderly and regular migration.

22. **Ms. D'Ancona** (Italy) said that article 3, paragraph 2, of the Constitution, which was interpreted broadly and enforced by the courts, set forth the Government's duty to guarantee equal treatment for all citizens, without discrimination of any kind. Various laws had been declared unconstitutional on the basis of that article. Provision had been made for accelerated proceedings in urgent cases concerning discrimination. The School of the Superior Council of the Judiciary provided mandatory training to trainee magistrates on anti-discrimination laws and the forthcoming training session would cover the Convention. Lifelong learning programmes were available to all magistrates. Specialized training was also provided relating to crimes against vulnerable groups, such as violence against women, and to family law, which included cases involving custody of children.

23. **Ms. Schulz** said she wished to know how the Government practised gender budgeting at the regional level. With regard to the extraterritorial application of the Convention, she asked what the timeline was for the adoption of legislation and policies concerning Italy's arms trade, particularly mechanisms to analyse the impact of the Government's arms trade on women's rights. Were there plans to include civil society in the preparation of such legislation and would Government decisions on licences for arms exports be reviewed taking into account the gender perspective?

24. **Ms. Ameline** said that she wondered how the Government intended to strengthen relations with non-governmental organizations dealing with the phenomenon of migration. She would like details of the legal mechanisms that were being established to distinguish female migrants and refugees from victims of trafficking. She asked whether a comprehensive policy approach that integrated the concept of development had been taken to deal with migration flows and trafficking. She asked, in the light of the new indicators concerning gender budgeting mentioned in the opening statement, what specific mechanism would be set up to ensure that all of civil society was involved in efforts to attain the Sustainable Development Goals.

25. **Mr. Petri** (Italy) said that the public authorities maintained active relations with civil society, including with respect to the National Action Plan on Business and Human Rights. Another notable example was an initiative involving some 140 civil society

organizations that had promoted activities throughout the country for the achievement of the Sustainable Development Goals. In addition, the country had opted to carry out a voluntary national review of its experiences in implementing the 2030 Agenda at the high-level political forum on sustainable development.

26. **Mr. Palma** (Italy) said that gender budgeting was coordinated exclusively at the State level and that, although State budget policies could not be enforced at the regional level, certain regions had chosen to adopt the gender budgeting policies. While equal opportunity policies were developed largely at the State level, monitoring was carried out by the regional authorities in accordance with the relevant regulations. While there was no central monitoring mechanism for shelters as such, some monitoring was conducted at the national level based on reports from various sources.

27. **Ms. Battilomo** (Italy) said that, with a view to eliminating inequalities, the Ministry of Health conducted mandatory regional reviews based on the relevant national indicators. Where shortcomings and inequalities were identified, the regional authorities in question were subject to certain penalties. In addition, within the framework of the national health plan, an audit was conducted in all regions to ensure equal and adequate funding.

28. **Mr. Petri** (Italy) said that the granting of armaments export licences was subject to strict controls in Italy. He drew attention to the law on export controls, No. 185/90, which aligned national regulations with the international obligations undertaken by Italy in that area. National control of arms exports was carried out in close cooperation with other members of the European Union in accordance with European Union policy.

29. **Ms. Schulz** asked whether there were plans to expand the list in article 3 of the Constitution which set out grounds on which discrimination was prohibited. She would like to know how the Government ensured that public funds earmarked for a specific purpose such as social support in the regions reached their targets.

30. **Ms. Battilomo** (Italy) said that article 3, paragraph 1, of the Constitution enshrined the principle of equality of all citizens before the law. The civil partnership law, for example, had been developed on the basis of that provision. A monitoring system was in place regarding the allocation of State funding at regional level and it was incumbent on the State to control regional funding where improper use of such funds was detected.

31. **Ms. Rana** said that there were shortcomings in the structures of various key departments for gender equality, the approach to eliminating gender discrimination and the implementation of the equal opportunities policy. She would appreciate further information on coordination between those departments and their different roles. Gender mainstreaming was not adequately taken into consideration in the formulation and implementation of laws and regulations at all levels. She was concerned that the mandate of the Department of Family Policies was undefined, that no measure for single parent families had been elaborated and that the Department's policies hindered full compliance with the Convention by prioritizing the protection of the family over the eradication of discrimination against women.

32. She therefore asked what measures the Government envisaged to ensure that the Department's objectives and activities complied with the Convention, that family policies did not reinforce stereotypes and that there was coordination and communication between the Department for Equal Opportunities and the Department of Family Policies and other mechanisms for gender equality. She would like information on the establishment of legislation and monitoring tools to promote gender analyses and approaches, gender impact assessments of laws and policies, and the collection of sex-disaggregated data. She asked what timeline was envisaged for the establishment of a national human rights institution. Would the delegation define the "relevant civil society organizations" involved in the preparation of the report referred to in paragraph 2 given that civil society representatives maintained that there was no formal collaboration between State authorities and non-governmental organizations?

33. **Mr. Petri** (Italy) said that the Government recognized that much work needed to be done to improve the participation of civil society in decision-making processes at the State level, including its involvement with the Interministerial Committee for Human Rights. An

open working group had been set up, however, for the implementation of the National Action Plan on Women, Peace and Security, which included the participation of civil society.

34. **Mr. Palma** (Italy) said that continuous participation and dialogue with civil society representatives, such as organizations combating trafficking, had been institutionalized in the Department for Equal Opportunities and the Department for Family Policies. National observatories were in place and steering groups had been established to deal with trafficking in persons, women entrepreneurs and other issues affecting women.

35. **Mr. Ferrante** (Italy) said that the Department for Family Policies worked in close cooperation with other government ministries and with regional and local authorities. Moreover, an observatory on family affairs had been set up and comprised representatives of local and central administrations and civil society, which demonstrated that a collaborative approach was being taken. In that connection, the Department was in the process of organizing a conference, to be attended by representatives of the public authorities, civil society and service providers, with the aim of discussing forthcoming social policies and evaluating the work of the observatory. A national programme to promote inclusion was also being prepared and €15 million in funding was being allocated to strengthen the work of the country's regional family centres.

36. **Ms. Rana**, noting that arms exports were not covered in the State party's national action plan to implement United Nations Security Council resolution 1325 (2000) on women and peace and security, said that she wondered whether any other measures were envisaged to ensure that such exports were in keeping with the resolution. She also wished to know how the State party intended to ensure that vulnerable groups such as migrants, asylum seekers and Roma, Sinti and Traveller women participated in defining indicators to measure the impact of the 2030 Agenda for Sustainable Development at the local level.

37. **Ms. Manalo** said that she wished to know what action the Italian Government was taking to control transnational crime, in particular arms smuggling, a practice that often had violent repercussions for women and children.

38. As things stood, provisions on women's rights were enshrined in various disparate pieces of legislation. She wondered whether there were any specific obstacles that could explain why the State party had yet to adopt a unified and comprehensive domestic law incorporating the Convention and, if not, whether such a law was envisaged.

39. **Mr. Petri** (Italy) said that the country's national action plan to implement Security Council resolution 1325 (2000) had been drafted in compliance with Security Council resolution 2242 (2015) on women and peace and security.

40. **Ms. Muratore** (Italy) said that, as part of the country's commitment to achieving Sustainable Development Goal 5 on gender equality and the empowerment of women and girls, the National Institute of Statistics was due to publish in July 2017 updated data and several newly defined indicators. ISTAT had worked closely with civil society in defining those indicators, and a committee had also been established to monitor other indicators at the national level.

41. **Ms. D'Ancona** (Italy) said that, upon ratification of the Convention, all of its provisions had automatically been incorporated into the domestic legal framework. Although there was no specific law on the Convention as such, its provisions were fully reflected in different pieces of legislation, as appropriate, in accordance with the Constitutional principle of equality.

42. **Mr. Petri** (Italy) said that, following the recent dialogue with the Committee on the Elimination of Racial Discrimination in 2016, the country's common core document (HRI/CORE/ITA/2016) was currently being updated to include an explanation of how international conventions ratified by Italy were incorporated into domestic law.

43. **Mr. Palma** (Italy) pointed out that the Equal Opportunities Code had been drafted to include all the provisions related to women's rights and equal opportunities and to reflect the structure and principles of the Convention. For example, article 1 of the Code covered

eliminating discrimination against women. Thus, a comprehensive anti-discrimination and equal opportunities law was in place and was subject to continuous review and revision.

44. **Ms. Nadaraia** said that, while noting the State party's use of temporary special measures to promote women's political representation at European, regional and local levels, she wished to know whether any temporary special measures were in place in other areas in which women were particularly underrepresented or disadvantaged. In a similar vein, she wished to know whether the Government had any plans to introduce policies aimed at transforming unequal gender relations and to apply temporary special measures in fields where women faced significant discrimination. She asked whether the State party envisaged extending the use of temporary special measures to cover disadvantaged groups of women, such as women with disabilities, older women and women from ethnic minorities, and whether there were plans to make use of temporary special measures to facilitate the social and economic integration of the large numbers of women migrants, refugees and asylum seekers who had entered the country in recent years.

45. **Mr. Di Nardo** (Italy) said that various measures had been taken to increase women's participation in decision-making and political processes. By way of example, legislation had been introduced to ensure that no more than two thirds of candidates on party lists for municipal elections were of the same gender. Moreover, the practice of double preference voting, whereby voters were able to select two candidates provided that they chose candidates of two different genders, had also been introduced at the municipal level. Lastly, the Department for Equal Opportunities had a monitoring system in place to scrutinize the impact of temporary special measures in increasing women's representation on company boards.

46. **Ms. Marini** (Italy) said that measures had also been taken to support start-ups and help integrate persons at risk of discrimination, in particular lesbian, gay, bisexual and transgender and intersex persons, into the labour market.

47. **Ms. Schulz** asked whether the State party intended to reintroduce the temporary special measures used to increase women's participation in the 2014 European Parliament elections for the next elections in 2019 and whether any permanent legal measures, such as gender quotas, had been taken or were being considered.

48. **Ms. Muratore** (Italy) said that information on whether temporary special measures would again be utilized during the 2019 elections to the European Parliament could be provided in writing at a later date. It was clear, however, that those measures had indeed had a positive effect: the number of women representatives at the European Parliament had increased from around 20 per cent to 40 per cent between 2009 and 2016. The number of women serving in regional administrations and on boards of directors was also steadily rising.

49. **Ms. Acar** said she was concerned that, in the absence of a more holistic and coordinated approach to implementing the Convention, the State party was addressing only the symptoms and not the root causes of issues such as stereotypes, violence against women and structural discrimination. With that in mind, she wished to know whether the Government planned to adopt specific legislation to combat gender stereotypes and sexist material in the media and advertising industries. She noted the delegation's comments regarding the constitutional principle of equality clause; however, in the Committee's experience separate legislation on gender discrimination was usually necessary.

50. She wished to know what action was being taken to ensure that the awareness-raising activities and resources allocated to the country's National Fertility Plan, which placed the issue of fertility at the centre of health and education programmes, did not perpetuate outmoded stereotypes of women by emphasizing motherhood over other aspects of women's lives.

51. She wished to know: what measures had been taken to increase the awareness of gender issues among health, education and media professionals and the judiciary and to ensure that gender perspectives were taken into account in the course of their work; whether specific training on the Convention had been provided to those professionals; and, if so, what proportion of those personnel had so far received such training. Regarding the

501 shelters referred to in the State party's replies to the list of issues (CEDAW/C/ITA/Q/7/Add.1, para. 32), she wondered whether those centres were exclusively for women victims of gender-based violence, were accessible in all areas of the country and were in conformity with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and other relevant international treaties. Moreover, she would be interested to know whether, in addition to support and psychological services, those centres provided training to empower women victims. Lastly, she would welcome specific information and data on the number of migrants or asylum seekers who had been granted leave to stay in Italy on the basis of gender-based violence or persecution in their countries of origin.

52. **Ms. Halperin-Kaddari** said that, regarding the legal framework dealing with gender-based violence in the family, it was critical that women victims should have the option to obtain restraining orders through either the criminal or civil courts. While in theory both paths were open to women in Italy, in practice, the system seemed to favour criminal proceedings, which were not always appropriate for women victims of violence. With that in mind, she wished to know whether free legal aid and representation of a high standard was available to women seeking restraining orders through the civil courts and what tools and information were available to advise women victims of domestic violence of the full range of options that were available to them.

53. She was concerned about reports that the paternalistic attitudes of judges encouraged the use of conciliation measures, even in cases of domestic violence, and wondered what action was being taken in that regard. Lastly, she wondered whether there were any plans to legislate to prevent the use of alternative dispute resolution or restorative justice mechanisms from being used in cases of gender-based or domestic violence.

54. **Mr. Palma** (Italy) said that, while there was generally a fair geographical distribution of the country's 501 shelters for victims of violence, more needed to be done to ensure adequate coverage in southern areas. The shelters, which were funded by the State, were specialist centres that provided, among other services, psychological support for victims of violence and were in compliance with the Istanbul Convention. In that connection, efforts were under way to map all State-funded services and initiatives to combat violence against women with the aim of improving the services offered by those shelters.

55. The Department for Equal Opportunities was working closely with the Ministry of Education in order to educate children of school age about gender stereotyping and thus bring about a change in attitudes. Moreover, a new initiative, due to be launched in January 2018 in cooperation with civil society organizations and advertising agencies, aimed to raise awareness among students about gender stereotypes and sexist advertising.

56. **Ms. Cavallaro** (Italy) said that the National Communications Authority was an independent body responsible for monitoring and regulating the communications sector. Its tasks included ensuring that the fundamental rights of the individual were upheld in that sector and that citizens were protected against all forms of discrimination. Article 3 of its rules and regulations concerned the protection of human dignity, while article 2 prohibited broadcasting services from transmitting material that incited hatred on the basis of race, gender, religion or nationality.

57. When necessary, the Authority took action against advertisements and entertainment programmes in order to ensure respect for human dignity and the principle of non-discrimination in accordance with the Convention. National and private broadcasters who breached the regulations were given warnings and, if necessary, required to pay fines. The national public broadcasting company had to respect the rules and regulations set out in the contract established between it and the Italian State. The contract in question stipulated that the national public broadcasting company should depict women fairly and refrain from discriminating on the basis of gender or promoting gender-based stereotypes. Complaints procedures had been established for reporting breaches of the contract.

58. The National Communications Authority had fined the national public broadcasting company for the way in which women from eastern Europe had been depicted in the television talk show programme *Parliamone sabato*. The outcome of the case, which was

ongoing, would be published on the Authority's website. At a local level, centres had been set up to monitor advertising.

59. **Ms. Battilomo** (Italy) said that the National Fertility Plan had been launched by the Ministry of Health in 2015 with the aim of raising awareness of health and educational issues surrounding fertility and the choices available to women who wished to have children. The Plan was aimed at both men and women and served to ensure that they could make choices based on sound information.

60. **Ms. Baldi** (Italy) said that the Ministry of Education, Universities and Research had launched a State-funded teacher-training programme that addressed the recognition of diversity as a source of cultural richness, the fight against discrimination, the prevention of cyberbullying, the prevention of violence in schools and gender equality.

61. **Ms. Acar** said that she wished to know whether the State party provided shelters that admitted only women victims of violence and their children. It was still not clear what proportion of professionals working in the judiciary and in health and education had received specific training on the Convention.

62. **Ms. D'Ancona** (Italy) said that eight or nine training courses in human rights and anti-discrimination laws were organized for magistrates every year. Ninety magistrates participated in each course, which meant that some 800 magistrates, or around 10 per cent of the total number of magistrates received such training every year. At the National School for Magistrates, training courses in the psychology of judging were organized to address any prejudice or bias that judges might hold. Judicial errors made in decisions relating to divorce and the fostering of children could be corrected through appeal procedures. Under the legal system, it was possible for judges to be recused if they had not acted in an impartial manner. The use of mediation in family disputes was specifically intended for women. In cases where mediation could not be used, legal aid was guaranteed for all.

63. **Ms. Halperin-Kaddari** said that she wished to know whether there were any safeguards that prohibited the use of mediation, restorative justice and alternative dispute resolution in cases involving domestic violence. It was still not clear whether free legal aid was available to women seeking restraining orders in civil courts. Noting the growing media focus on men's organizations that accused women of bringing false complaints and false charges of domestic violence, she asked whether the Government was aware of that phenomenon and whether any tools existed to combat the stereotyping of women in that manner.

64. **Ms. Hofmeister** said that she wished to know whether the Ministry of Justice collected information on femicide and, if so, whether the State party would provide the Committee with data on the reporting of cases of femicide, the number of cases that were dismissed, the length of trials, the judgments handed down and any regional differences that might exist in respect of such cases. She asked what protective measures were available for victims and the relatives of murdered women, whether a specific budget was allocated to femicide, what legal steps victims or their relatives needed to take in order to obtain compensation and what role was played by the media, including the national public broadcasting company.

65. **Ms. Schulz**, noting that women who had children faced a number of practical challenges that made it difficult for them to remain in full-time employment, said that she wished to know how the State party reconciled the existence of such difficulties with its fertility campaign, which encouraged women to have more children.

66. **Ms. Manalo** said that she wished to know what measures were taken to ensure that the human rights of women were not adversely affected by the State party's efforts to promote and strengthen the family.

67. **Ms. D'Ancona** (Italy) said that the delegation would provide the Committee with a statistical analysis of femicide that had recently been carried out. The statistics indicated that convictions were handed down to perpetrators in almost 87 per cent of cases involving femicide. Legal aid was made available in all types of proceedings, including in civil cases in which women sought restraining orders. A round table established by the Ministry of Justice, in conjunction with the National Forensic Council, aimed to improve legislation on

the provision of State legal aid and to facilitate access to justice. In cases of family disputes, measures such as mediation and alternative dispute resolution were permitted but not mandatory and the availability of such measures did not prevent the parties concerned from seeking justice through the courts.

68. **Ms. Muratore** (Italy) said that data on individuals murdered by persons with whom they had been in a relationship were collected by the Ministry of the Interior and entered in a national database and the gender database of the United Nations Economic Commission for Europe. The data were disaggregated according to the gender of the victim and the nature of the relationship that the victim had had with the perpetrator. Such data were important in that they shed light on differences between the number of men and the number of women who were murdered. In accordance with an agreement drawn up between the Department for Equal Opportunities and ISTAT, the data in question, and analyses of them, were published on a website as part of efforts to combat violence against women. The website also featured data on other forms of violence, including physical, sexual and psychological violence, and the results of surveys on violence against women and attitudes towards such violence.

69. **Mr. Palma** (Italy) said that different kinds of shelters existed, including shelters with specialized staff that admitted only women victims of violence. In some cases, it was possible for victims to stay in shelters on a long-term basis.

70. **Mr. Ferrante** (Italy) said that measures taken to protect the family always took the needs of both men and women into account. Parents were encouraged to share childcare and domestic tasks equally and to have an equal amount of leisure time. The so-called Jobs Act of 2014 addressed the impact of childbirth and motherhood on women's employment. Under the Act, the mothers of children of up to 12 years of age were entitled to take voluntary leave and fathers were granted four mandatory days of paid paternity leave, with the possibility of taking an additional day. The purpose of the National Fertility Plan and Fertility Day was to raise awareness of health issues affecting fertility, including the existence of certain diseases and the consumption of alcohol, in order to help persons who wished to have children.

71. **Ms. Jahan** said that the problem of trafficking in persons had become multifaceted and more complex as a result of the growing numbers of migrants and refugees entering the country. The Committee acknowledged that the State party had made significant efforts to cope with unprecedented levels of migration that placed a burden on government agencies, especially those responsible for dealing with the problem of trafficking in persons.

72. Although the State party had taken a significant number of administrative and legislative measures to combat trafficking in persons, problems still persisted in relation to the identification of victims, especially those in a situation of vulnerability, the investigation and prosecution of cases and the provision of support to victims.

73. She asked how the State party would be able to implement the National Action Plan against Trafficking in and Serious Exploitation of Human Beings when, according to the replies to the list of issues, specific, dedicated funds to facilitate the implementation of the Plan had not been made available (CEDAW/C/ITA/Q/7/Add.1, para. 57). She asked whether a gender perspective was introduced, as a matter of course, into all government actions to tackle trafficking in persons and whether the National Action Plan addressed the growing level of trafficking for the purposes of labour exploitation. Noting that concerns had been expressed about the lack of proper, early identification of victims of trafficking and the disappearance of women and unaccompanied minors from reception centres, and the manner in which victims of trafficking were forcibly returned to their countries of origin, she asked what measures the State party had taken to formalize the swift identification of victims of trafficking and to establish the national referral mechanism referred to in the National Action Plan. She asked whether training had been provided to immigration police officers and staff working in reception centres and holding centres for repatriation, formally known as centres for identification and expulsion, to better identify migrants and asylum seekers who had been trafficked and whether there were specific identification and screening procedures which took into account the special circumstances and needs of women and child victims of trafficking.

74. According to alternative sources, the national legislation and regulations to combat trafficking were not adequately and effectively applied at the regional and local levels and, despite the efforts made by the Department for Equal Opportunities, coordination between different government bodies was lacking. In view of that situation, she asked whether the State party envisaged appointing a national anti-trafficking coordinator or a dedicated national coordination structure that would involve all relevant public bodies, including non-governmental organizations.

75. Noting that the shortage of shelters exposed women to the risk of retrafficking, she asked what steps were being taken to increase the number of dedicated shelters for women, irrespective of their legal status. She wished to know what provisions there were to protect the significant number of victims of trafficking who were undocumented, what measures would be taken to improve the availability of consistent and reliable statistics that would enable the Committee to gauge the extent of trafficking in persons and prostitution, what programmes and strategies were being developed at the regional and municipal levels to prevent women from entering prostitution, what steps were being taken to support and rehabilitate women who wished to leave prostitution and what steps had been taken to reduce the demand for prostitution. She asked what measures had been taken to implement the recommendation made by the Special rapporteur on trafficking in persons, especially women and children to the effect that the State party should amend its Criminal Code to prevent victims of trafficking from being prosecuted for offences they had been forced to commit. Noting that the increase in prostitution was linked to irregular migration and trafficking in persons, particularly from central Africa, the Balkans and China, she asked what steps the police force was taking to combat online activities intended to facilitate that crime.

76. **Mr. Petri** (Italy) said that no national funds had been allocated to the National Action Plan against Trafficking because every administration used its own funds to enforce the Plan. The Interministerial Committee for Human Rights coordinated the Plan and played an active role in its implementation. The Italian system for the protection of victims was especially aimed at women victims but also afforded protection to men. Legislation and a referral system existed to combat labour exploitation.

77. A method for identifying victims of trafficking had been established in conjunction with the Special Representative and Coordinator for Combating Trafficking in Human Beings of the Organization for Security and Cooperation in Europe. The International Organization for Migration would collaborate with the Ministry of the Interior in order to improve methods for identifying victims, and a national helpline had been established for that purpose. A specific programme had been established to assist victims of trafficking who were minors. Although there was no anti-trafficking coordinator as such, the Department for Equal Opportunities acted as a focal point for the efforts of the various working groups involved in implementing the National Action Plan against Trafficking and was working with ISTAT on a national database on all the projects to combat trafficking in persons that had been funded to date.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1503

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1503rd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 4 July 2017, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Italy (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Italy (*continued*) (CEDAW/C/ITA/7; CEDAW/C/ITA/Q/7 and Add.1)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*

Article. 1 to 6 (*continued*)

2. **Ms. Battilomo** (Italy) said that child victims of trafficking were often forced to claim to be older than they actually were so that they would not receive protection from the State. A presidential decree governing the procedures for age assessments of unaccompanied children, which took a multidisciplinary approach, had therefore been issued with a view to identifying child victims of trafficking.

3. **Ms. Jahan** said that she would appreciate it if the State party could indicate what measures had been introduced to ensure that a restrictive interpretation of article 18 of Legislative Decree No. 286/1998 did not deprive women who were trafficked in another country and then led to Italy for the purpose of trafficking of adequate protection, which was a concern raised in the concluding observations from the last reporting cycle (CEDAW/C/ITA/CO/6, para. 28). She wished to know whether victims of trafficking received temporary social protection irrespective of whether or not they cooperated with law enforcement officers. She wondered how many women had benefited from the humanitarian residence permit under Act No. 119/2013 concerning gender-based violence. It would be interesting to hear about the action taken to address the root causes of prostitution and human trafficking, namely poverty, inequality and discrimination. Following media reports concerning the sexual exploitation of Romanian women in Ragusa, Sicily, she wondered what action was being taken to address the situation.

4. **Ms. Manalo** said that she would like to hear what steps were being taken to prevent trafficked women from becoming stateless.

5. **Mr. Palma** (Italy) said that the humanitarian residence permit was granted to victims of trafficking without any obligation on the part of the victims. Data gathered since 2000 showed that half of the reported 25,000 trafficking victims had been issued permits, while the others did not require one since they were European Union citizens. The Government was aware of the serious sexual and labour exploitation of women in Ragusa and was working on an initiative in that regard. The situation was being monitored and funding for the initiative had been significantly increased.

6. Prostitution itself was not a criminal offence in Italy, although procuring was illegal. There were measures in place to raise awareness of the issue. Assistance was provided to victims of trafficking from other States who had been identified in Italy, regardless of their origin, in cases of both sexual and labour exploitation.

Articles 7 to 9

7. **Ms. Nadaraia** said that she commended the State party for increasing the representation of women in the parliament and local administration bodies. Nevertheless, that proportion was still below the 40 per cent target set for public entities. Furthermore, although 60 per cent of new candidates selected for the judiciary were women, most senior positions were held by men. She wished to know what strategies were in place to increase the representation of women in political decision-making bodies, the diplomatic service, the judiciary and the private sector and how the participation of women in public life was monitored and ensured. She would be interested to hear about what was being done to tackle the use of sexist and stereotypical language against women in the news media, including prominent female politicians, lawyers and judges who were often exposed to attacks on social and other online media, and about any plans to collect data in order to better understand such issues.

8. She would appreciate further details of how Act No. 215/2012, concerning the promotion of gender balance and equal opportunities in local governments and regional councils and the institutions and businesses that depended on them, would be implemented. Noting that there were legal and administrative measures in place to implement provisions such as Presidential Decree No. 251/2012, she wished to know whether a time frame for its full implementation was in place. Further information on the State party's targets concerning quotas for political parties and any timetable for achieving such targets would also be welcome.

9. **Ms. D'Ancona** (Italy) said that, as of 2017, 52 per cent of magistrates were women and the figure was higher among those who had recently joined the judiciary. There had been a steady increase in the number of women selected to serve in the highest courts in recent years. The President of the Milan Court of Appeal was a woman and the Ministry of Justice had been headed by women, to take just two examples. The Minister of Justice would soon attend a seminar to discuss a bill on equal participation of women in the justice system currently before the parliament, which sought to strike a gender balance in the judiciary, particularly within the Superior Council of the Judiciary, by requiring candidates to alternate by gender.

10. **Mr. Palma** (Italy) said that the law aimed at increasing the representation of women on the boards of publicly owned companies to 33 per cent would be implemented in phases until 2022. Publicly owned companies were monitored by the Department for Equal Opportunities, and private companies were overseen by the Italian Securities and Exchange Commission (CONSOB). To ensure compliance with the law, rigorous inspections were conducted every three to four months; any companies that did not meet the requirements of the law received a warning. Companies that did not comply with warnings faced penalties after a certain period, including the dismissal of the board of directors.

11. **Ms. Schulz** said that she would like to know whether the aim of the planned electoral law reform was to ensure parity between men and women for both chambers of parliament or to increase the overall representation of women in the national legislature.

12. **Mr. Palma** (Italy) said that the delegation could provide past data but was not able to comment on future plans. Nevertheless, article 51 of the Constitution, as amended in 2003, clearly stated that both sexes could be elected to public office on equal terms, and that was the legal basis for intervention in the electoral system. A similar approach had been adopted by the judiciary. There was a clear positive trend towards equality.

13. **Ms. Schulz** said that she would like to know whether the births of all children born in Italy were registered, regardless of whether or not the parents held a residence permit, as recommended in the concluding observations of the Committee on the Rights of the Child (CRC/C/ITA/CO/3-4, para. 29). If not, what did the State party intend to do to improve the situation?

14. The statelessness determination procedures were impeded by a number of factors, including stringent eligibility criteria, the length and cost of the procedures and a lack of safeguards against expulsion during the procedures. There was a large gap between the number of persons formally recognized as stateless and the number of stateless persons, or persons at risk of becoming stateless, as estimated by NGOs. Furthermore, nationality law applied only to children of parents who were officially recognized as stateless and did not apply retroactively once parents were granted such recognition, a situation that affected a significant number of Roma children. She therefore wished to know whether bill No. 2148, currently being debated by the Senate, would address the aforementioned concerns by removing the procedural impediments and improving mechanisms for identifying and protecting stateless persons; facilitating access to nationality by stateless persons, particularly women and children; enabling the children of persons who had not been formally recognized as stateless to obtain Italian nationality, even retroactively, and ensuring that the procedural safeguards under international standards were respected. She would also welcome information on the timetable for adopting the law and the measures to be taken to ensure its immediate and effective implementation once adopted.

15. **Ms. Battilomo** (Italy) said that almost all children were born in hospitals, and the mother and child were only discharged after the birth had been registered. Mothers were

entitled to full assistance under Italian law, regardless of whether they held a residence permit.

16. **Mr. Petri** (Italy) said that between 2012 and 2016, 50 stateless Roma persons had obtained Italian nationality, and 13 were recognized as stateless by the Ministry of the Interior. There were judicial procedures in place for the recognition of statelessness. The response to Ms. Schulz's question concerning the bill would be submitted in writing.

Articles 10 to 14

17. **Mr. Bergby**, noting the numerous programmes, projects and measures to promote equal opportunities in education by women and girls and to train teaching staff in tackling gender-based violence and discrimination, said that he wished to know what coordination mechanisms were in place to ensure that the national education policy was uniformly and effectively implemented. It would be helpful to have an account of the monitoring mechanisms set up to evaluate the status of implementation of the various projects, including in support of the Roma, Sinti and Caminanti peoples.

18. Given that three quarters of university students studying science, technology, engineering or mathematics were men, he asked whether there were any plans to encourage men and women to choose subjects and to follow career paths not traditionally associated with their sex. He also wondered what specific actions were envisaged to combat vertical and occupational segregation and to diversify academic and vocational choices among women and girls.

19. Furthermore, he wished to know what progress had been achieved by the Ministry of Health and the Ministry of Education in their efforts to finalize national guidelines on sexual and reproductive health education in schools, in accordance with World Health Organization (WHO) standards.

20. Notwithstanding the recent entry into force of a legislative decree on inclusive education for students with disabilities, he was concerned that male students with disabilities far outnumbered female students with disabilities, despite the legal requirement that all children with disabilities should be enrolled in mainstream schools. Considering that girls with disabilities were an extremely vulnerable group, it would be interesting to learn whether the Government planned to investigate the causes of the imbalance and take the appropriate remedial action.

21. **Ms. Baldi** (Italy) said that the Ministry of Education had offices throughout Italy and implemented projects at the national level to promote equal opportunities and tackle gender discrimination. Those projects were subject to different types of monitoring and enforcement mechanisms, most notably through a website administered by the Ministry that offered schools and associations an online forum to share project-related material. The Government encouraged schools to report their results on the website so that it could monitor the impact of projects. In addition, the so-called Good School Act promoted the principles of equal opportunities, the prevention of gender violence and non-discrimination.

22. **Ms. Marini** (Italy) said that a pilot project for the inclusion of Roma, Sinti and Caminanti children had been launched three years previously with funding from the National Fund for Social Policies and the European Social Fund. That project had been expanded to include 13 major cities and its implementation period had been extended to three years. The Government was also implementing a project for the integration of Roma children in schools.

23. **Mr. Di Nardo** (Italy) said that the Department for Equal Opportunities had implemented two projects for the advancement of women's careers in science, technology, engineering and mathematics. One of those projects formed part of the Seventh Framework Programme for Research and Technical Development of the European Union and had entailed a €10 million investment, with significant results. The Government had incorporated a gender perspective into the projects carried out under the Horizon 2020 programme. Recognizing that relatively few women opted for scientific careers owing to cultural reasons and gender stereotypes, the Department for Equal Opportunities and the Ministry of Education had worked together to promote scientific careers for girls and had

facilitated the funding of summer camps for girls interested in the sciences. Over €2 million had been raised and over 200 schools had participated in that project.

24. **Mr. Bergby** said that although he was pleased to learn about the Government's dissemination of information concerning various projects, it was unclear what kind of monitoring mechanisms were used to evaluate their implementation and outcomes.

25. **Ms. Baldi** (Italy) said that it was compulsory for the relevant data of all projects implemented at the regional level to be posted on the official website so that the Ministry of Education could monitor and evaluate outcomes.

26. **Ms. Haidar** said that, although some marginal improvements had occurred, women continued to face significant obstacles in gaining access to decent work, while gaps remained in the implementation of the 2030 Agenda for Sustainable Development. The voluntary national review by the High-level Political Forum on Sustainable Development was a welcome development, which afforded an opportunity for Italy to address the root causes of persistent inequalities between men and women. While an impressive number of legislative decrees, acts and policies had been adopted to address discrimination in the workplace, significant structural problems remained, such as the gap between women in southern and northern Italy, low female employment, the lack of access to decision-making positions and pay and pension gaps. It would be helpful to hear about the specific measures that the State party had put in place to address those disparities.

27. The Committee was concerned that Legislative Decree 151/2015 had reduced the powers of local equality councillors and their ability to monitor discrimination in the workplace. She wondered whether the Government intended to re-establish the National Commission for Equal Opportunities and give it the power to monitor policy recommendations on labour and welfare and adequate resources. It was not clear what was being done to guarantee the independence and funding of local equality councillors.

28. Given that women continued to be paid less than men for the same work, she wished to learn whether Act No. 92/2012, which aimed to promote equal pay through a monitoring system and database, had been adopted. The Committee would appreciate further details of the information that would be included in the database, along with evidence, if any, to show that the pay gap had narrowed. Moreover, in the light of reports that leaving and re-entering the labour market resulted in more precarious jobs and labour market segmentation for women, she wished to know how the Government planned to address those problems.

29. Deficiencies in the public welfare system and an ageing population were leading to greater reliance on migrants for the performance of domestic and care work. However, migrant women, especially those in irregular situations, were extremely vulnerable to a number of threats at the time of their recruitment, during travel and when establishing themselves in a new country. She would be grateful if the delegation would describe the measures taken to address the risks facing migrant workers and indicate whether it intended to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

30. **Ms. Arocha Domínguez** said that, while many health measures had been adopted by the State party since its previous review, it was unclear what outcomes and progress had been achieved as a result of their implementation. Noting that the report had mentioned gaps in relation to mammography screening programmes, the life expectancy of Roma women, the disadvantages facing the southern Italian women and the prevalence of HIV among the foreign population, she wished to learn what specific steps had been taken to promote the right to health among those disadvantaged groups.

31. Although the State party had stated that health-care services had not undergone privatization as a result of austerity policies, civil society appeared to take a different view. She therefore wished to know what proportion of care services was provided by the public and private sectors, especially with regard to services affecting women such as mother and child care and sexual and reproductive health care. She also wondered whether the Government had studied or planned to study the impact of its health policies on abortion and whether information was collected on access to abortion services and the number of women who wished to terminate their pregnancies but were unable to do so because of a

lack of access or other reasons. She would appreciate further information on how the Government planned to address the issue of access to reproductive health.

32. While the report stated that no prescription was required for emergency contraception, it was unclear whether this type of contraceptive was readily available in rural and urban areas, respectively. She would welcome information on whether specialized services, appropriate guidance and regular checks were offered to Roma and immigrant women, women with disabilities and lesbian and transsexual women in areas such as reproductive and sexual health. Lastly, she wished to learn what legislative and practical measures the State had taken to prevent practices such as the sterilization of Roma women or women with disabilities.

33. **Mr. Ferrante** (Italy) said that the measures for the reconciliation of work and family life included the introduction in 2015 of obligatory parental leave for men and women. In June 2016, the Presidency of the Council of Ministers had approved a directive on smart working practices, which permitted 10 per cent of public employees to work remotely using digital technology. Furthermore, the Department for Family Policies and the Department for Equal Opportunities were promoting and implementing a European project to encourage men to take parental leave and would launch a nationwide awareness campaign for that purpose in autumn 2017.

34. **Ms. Ciampa** (Italy) said that the Government provided day nursery vouchers and child bonuses to help families achieve a work-life balance. It was striving to transform childcare services and planned to implement a new programme, with several million euros in funding, to make an extra 10,000 kindergarten places available in southern regions such as Sicily and Campania. Data from the National Statistical Institute revealed that, in 2014, 10 per cent of childcare needs were met, but this figure did not include private facilities, which meant that, in practice, the level of coverage was higher.

35. As regards stronger protections for women workers, Act No. 183/2014 (the "Jobs Act") had introduced labour-market reforms, including measures to combat the widespread phenomenon whereby female candidates were requested to sign blank letters of resignation when they entered into employment contracts and other discriminatory practices. Further provisions granted protections for women during pregnancy and in the three years following childbirth. In the area of pensions, the Government was committed to implementing the "Women's Option" programme, which supported women's role as primary caregivers by allowing them to take early retirement at 57 years of age (58 years for self-employed workers), beginning in 2017. However, the pensions received by those participating in the scheme would be 20 per cent lower.

36. **Ms. Morresi** (Italy) said that the Government's figures on abortions carried out corresponded to the number of medical certificates issued in response to requests for the procedure following consultations between the patient and the medical practitioner. The Government believed that its medical facilities were adequately staffed, with the Ministry of Health reporting that 92.2 per cent of voluntary terminations occurred in the region of residence. Thus, few patients had to travel to other regions for the procedure. The Ministry held regular meetings with representatives from the offices responsible for monitoring the regional implementation of the law to check the accuracy and quality of the data received from external independent sources and the National Statistical Institute. In 2016, the Ministry had funded a training course to improve the implementation and monitoring of the law on the voluntary termination of pregnancy, which addressed various legal aspects and was attended by representatives of all regional offices.

37. **Ms. Haidar** said that her question on the wage gap had not been fully answered. While the measures introduced for the reconciliation of work and family life were positive, they only covered the first year of the child's life, after which the mother was left in a difficult situation. She wished to hear more about the pension gap and was concerned that, by offering women smaller pensions, the "Women's Option" programme might lead to their impoverishment.

38. **Mr. Petri** (Italy) said that his delegation would provide the information on protections afforded to vulnerable women that Ms. Arocha Domínguez had requested earlier in writing.

39. **Ms. Muratore** (Italy) said that there had been a substantial improvement in health care and education for women with disabilities, who outnumbered men with disabilities in Italy. Further information on improvements to the gender pay gap would be provided in writing.

40. **Mr. Ferrante** (Italy) said that men and women were entitled to paid leave following the birth of a child, and a monetary bonus was paid after the seventh month of pregnancy and in cases of adoption.

41. **Ms. Morresi** (Italy) said that she did not know of any cases involving women who had not been able to have access to abortion services.

42. **Ms. Haidar** said that a 4 per cent cut to regional funding had reduced local budgets for social and health-care services. Moreover, access to essential care remained unequal and waiting times were often long, despite the decision to allocate €8 billion to improving the system. Access to credit remained difficult for women running micro-businesses. She asked whether the Government was considering measures to assist women who did not fulfil business loan requirements.

43. Welfare services to reduce the demands on women caring for older persons, increase long-term support services for persons with disabilities and provide support for young children remained limited. The number of women resigning from their jobs after childbirth had increased, and raising paternity leave from 2 days to 4 days had not resolved work-family conflict. Given that many fathers were discouraged from taking optional paternity leave, as they received only 30 per cent of their salary, she wished to know whether there were plans to increase the pay for paternity leave further.

44. The number of women in the sports sector was extremely low owing to perceptions that professional sports were exclusively for men. As female athletes were regarded as amateurs with no legal protection, she asked whether existing legislation would be amended to ensure that male and female athletes had access to all recognized professional sports. She also wished to know whether the Ministry of Sport monitored the policies of the Italian Olympic Committee.

45. **Ms. Acosta Vargas** said that the rate of female mortality had increased since 2015, and cuts to social services had affected women living in southern regions in particular. She wished to know how the rural development programme for the period 2015-2020 would reduce poverty and increase social inclusion and whether there were programmes to foster access to land titles for women. She also asked whether the employment practices of agricultural businesses in rural areas were monitored, and what mechanisms were in place for employees to complain about abusive employers.

46. She wondered whether there was any plan to integrate women with disabilities more completely into national economic and social life, whether companies had any quotas or obligations regarding the employment of persons with disabilities and what the employment rate was among those persons. She asked whether there were any mechanisms to ensure that women were not the sole caregivers for persons with severe disabilities. She would also appreciate further information on the readiness of the health-care services to assist persons with disabilities.

47. She would appreciate up-to-date statistics on the number of women deprived of their liberty. It would also be useful to know how many women were serving sentences, how many had been convicted, how many were in pretrial detention, whether those women were protected from inhuman or degrading treatment, what treatment for HIV/AIDS was provided, what alternatives to pretrial detention were available and whether the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) were upheld.

48. **Mr. Ferrante** (Italy) said that, in addition to regional funds, there was a national fund to assist people who were not self-sufficient, including persons with serious disabilities, and a new fund had been established in 2016 for the carers of persons with serious disabilities. An additional €15 million had been set aside by European Union bodies to provide the families of persons with disabilities with services such as counselling. In addition, childcare was available for children with chronic diseases who were unable to

attend mainstream day-care centres. A fund had been established to make access to credit easier for families with children which would provide approximately €10,000, to be repaid over seven years. Parental leave was now paid in full for both men and women.

49. Information on women with disabilities had been provided in 2016 during discussion of the initial periodic report on the Convention on the Rights of Persons with Disabilities (CRPD/C/ITA/1). A comprehensive legislative framework for all persons with disabilities was in place, in addition to a quota system that required companies to employ at least 2 persons with disabilities per 50 employees, and for persons with disabilities to comprise 7 per cent of the work force in companies with over 50 employees.

50. **Ms. D'Ancona** (Italy) said that the Bangkok Rules had been widely disseminated throughout the prison system nationwide and inmates were made aware of them. Only in exceptional cases could preventive measures be applied to women with children under 6 years of age prior to sentencing. Institutions had been established that allowed women in detention to remain with their children and receive special care.

51. **Mr. Petri** (Italy) said that further information on agriculture would be provided in writing.

52. **Mr. Palma** (Italy) said that a fund was used by banks to promote access to credit among female entrepreneurs. The Government had entered into an arrangement with the Italian Banking Association and other organizations to provide training for potential female entrepreneurs. Approximately €1.5 billion had been allocated to the fund and further funding was planned owing to high demand for the training.

53. **Ms. Haidar** said that she wished to have clarification of the funding available for childcare for families with children with disabilities. As it remained difficult for owners of micro-businesses to have access to credit, she asked whether any grants were available to reduce poverty among female entrepreneurs.

Articles 15 and 16

54. **Ms. Halperin-Kaddari** said that, despite the increase in shared physical custody arrangements, there was widespread misunderstanding of the difference between legal custody and physical custody, including among judges. As research suggested that shared physical custody could be harmful, particularly in cases involving very young children or extreme parental conflict, she asked whether studies had been carried out into its effects.

55. She was concerned that so-called parental alienation syndrome, promoted by men's rights groups, was still invoked by experts in juvenile courts and custody cases, despite the fact that the syndrome having been repudiated by the Italian Psychological Society, the Department of Health and the Supreme Court. In view of the cases in which men argued that claims of domestic violence were falsely made in divorce proceedings in order to alienate fathers and children, she wished to know whether there were statutory provisions requiring gender-based violence to be taken into account in custody hearings, recognizing that children's welfare was affected by violence against their mothers, and prohibiting shared physical custody in cases of domestic violence.

56. Women were often negatively affected by the division of matrimonial property following divorce or separation. In that regard, she asked what measures were in place to keep women fully informed of their rights. Similarly, she wished to know whether the earning potential of separating spouses was taken into account, considering that women were often responsible for childcare and housework at the expense of their careers, and whether increased earning potential was considered part of the common assets to be divided in a divorce settlement. Lastly, as two Italian districts provided child support payments in cases where fathers failed to make them, she asked whether legislation was envisaged that would extend such payments nationwide.

57. **Mr. Palma** (Italy) said that there was no scientific evidence to prove the existence of parental alienation syndrome and it was not included in any government guidelines.

58. **Ms. D'Ancona** (Italy) said that previous judgments of the Court of Cassation had not taken parental alienation syndrome into consideration, and it was not legally recognized

in Italy. Existing legislation guaranteed that all working women, including those caring for family members, were entitled to a certain share of property during divorce or separation, including in a community property regime. Judges were responsible for verifying that assets were separated equally between spouses.

59. **Ms. Schulz** said that corrective surgeries conducted on intersex children were often irreversible and medically unnecessary. She wished to know whether the Government planned to adopt legislation to protect the bodily integrity and self-determination of intersex people, potentially by criminalizing surgical interventions, or to provide compensation for intersex people who had been operated on without their consent.

60. **Ms. Morresi** (Italy) said that, in 2015, only nine operations had been carried out on intersex children between 0 and 9 years of age. Such operations took the child's medical history into account and could only be conducted with the consent of parents or guardians. There were no indications that any forced surgical interventions had taken place.

61. **Ms. Schulz** said that many people felt that it was inappropriate for parents to give consent for their intersex children to have surgery owing to the gravity and lasting consequences of the procedure.

62. **Mr. Petri** (Italy) said that his country would endeavour to learn from the comments of Committee members and continue its efforts to improve its application of the Convention.

The meeting rose at 5.05 p.m.

United Nations CEDAW/C/SR.1504

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1504th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 5 July 2017, at 10 a.m.

Chair: Ms. Leinarte

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Combined sixth and seventh periodic reports of Thailand

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/6-7; CEDAW/C/THA/Q/6-7 and Add.1)

Articles 1 to 6

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

2. **Ms. Setthakorn** (Thailand), introducing the combined sixth and seventh periodic reports of Thailand, said that ensuring women's rights was key to fostering socioeconomic growth and sustainable development. A number of developments had occurred during the reporting period to promote and protect women's rights. For example, the reservation to article 16 of the Convention, on marriage and family relations, had been withdrawn in 2012. The new Constitution, which had entered into force in April 2017, gave priority to mainstreaming gender perspectives into policymaking and stipulated that all Government agencies must adopt gender-responsive budgeting and provide equal treatment and protection for women, children, older persons and persons with disabilities. The Criminal Code had been revised to criminalize marital rape. Many laws had been introduced to eliminate gender-based discrimination, such as the Gender Equality Act — the first anti-discrimination law in Thailand to cover sexual expression — and others aimed at combating violence against women, teenage pregnancy and trafficking in persons. The Government had ratified the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

3. The National Committee on the Policy and Strategy for the Advancement of Women was the primary policymaking mechanism relating to gender equality. Its mandate included updating the National Women's Development Plan; and the current draft took into consideration the Convention and the Sustainable Development Goals. All national plans on human rights provided for special protection for women. The Department of Women's Affairs and Family Development had been established in 2015 to fight for women's empowerment and gender equality.

4. At the regional level, the Government had pressed ahead with the Regional Plan of Action on the Elimination of Violence against Women of the Association of Southeast Asian Nations that had been adopted in 2015. At the international level, the Prime Minister had pledged to promote gender-sensitive education, the collection of sex-disaggregated data and gender-based budgeting at the Global Leaders' Meeting on Gender Equality and Women's Empowerment in 2015.

5. Many challenges remained to be addressed, such as protecting migrant women and combating stereotypes. The Government was working to change perceptions in order to truly foster gender equality. To that end, the Government would work collaboratively with its partners and civil society organizations.

6. **Ms. Manalo**, noting the significant achievements in the country with regard to women's rights, said that, since March 2014, Thailand had been ruled by a military junta, composed exclusively of men who had appointed the Members of Parliament. It appeared, therefore, that there was no participatory democracy. The report covered the period 2003-2010 and the footnotes referred to developments only up to 2015, when the report had been submitted. She would welcome clarification of section 27 of the 2017 Constitution, which prohibited unjust discrimination, noting that discrimination was inherently unjust. It was not clear why the 2017 Constitution omitted references to international obligations. She wondered why the status of the National Human Rights Commission had been downgraded in 2015 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and what had been done to remedy that situation. Given that it was still illegal to defame, insult or threaten the king and other members of the royal family under section 112 of the Criminal Code, concerning lese-majesty, and that the section was increasingly invoked by military courts, which imposed severe punishments, she wished to

know what role was played by the civil courts in protecting people's human rights. She asked what protections were afforded to Muslim women in the southern border provinces under the Constitution.

7. **Mr. Pukditanakul** (Thailand) said that the term "unjust discrimination" under the Constitution referred to prejudicial treatment of different categories of people as opposed to discrimination involving the special treatment of a particular group of people for the purpose of eliminating obstacles to people's ability to exercise their rights and liberties.

8. While the civil courts did not deal with human rights cases, the Constitutional Court could invoke section 3, paragraph 2, of the Constitution to uphold human rights. The Court had, on different occasions, mentioned that the rule of law, as laid down in section 3, paragraph 2, entailed the concepts of international obligations and human rights.

9. With regard to the application of the Constitution in the southern border provinces, while no relevant case had come before the Court, owing to the Court's limited jurisdiction and the narrow channels for the submission of cases to the Court, the rule of law and principle of gender equality fully applied to those provinces.

10. **Ms. Vichit-Vadakan** (Thailand) said that the status of the National Human Rights Commission had been downgraded, because the selection process for commissioners had not been sufficiently transparent, the composition of the national institution had not been broadly representative, and the Commission's report had not been submitted in a timely manner. Subsequently, a bill had been drafted to ensure the independence of the Commission. The bill laid down the selection criteria to include additional civil society representatives, academics and medical professionals. The term of office of the current members would end upon adoption of the law. The bill was currently before the parliament and was expected to be passed shortly. The role of the National Human Rights Commission would also be strengthened, which would entail empowering it to bring cases on behalf of victims directly and raise public awareness about human rights. All the Commission's reports would be made available to the public.

11. **Mr. Boonrach** (Thailand) said that the Constitution expressly provided for the protection of the human dignity of all persons. Freedom of religion was protected by law and women and girls were free to choose between religious and secular schools. Programmes had been developed to help women to take a more active role in public life. A fund for women's empowerment had also been set up to expand women's employment opportunities.

12. **Ms. Schulz** asked what preventive measures were taken to protect women human rights defenders, particularly against cyberbullying involving death threats, and to stop the police and judiciary from invoking grounds of State security in prosecutions of women human rights defenders. She asked whether there were plans to improve the witness protection programme for victims of human trafficking. She wondered how the Government planned to address the reported harassment and intimidation by judicial officials of women human rights defenders and their lack of access to independent and impartial justice and protections against reprisals. It would be interesting to learn what remedies for crimes committed against them were available and how cases involving threats and acts of violence against them were investigated and prosecuted. Further information on the measures taken to ensure their safety would be useful. She asked what the State party was doing to ensure that the Gender Equality Act did not leave scope for unjust discrimination by allowing for exemptions from non-discrimination for reasons of religious principles or national security.

13. **Ms. Hayashi**, while welcoming the withdrawal of the reservation to article 16 of the Convention, said that she wondered what obstacles stood in the way of withdrawing the reservation to article 29 (1), concerning disputes with other States parties over the interpretation or application of the Convention. She also wished to know whether the provisions of the Convention were directly applicable by the courts and, if so, whether examples of any case law or legal precedents could be provided.

14. **Ms. Manalo** said that she would be grateful for an update on whether certain legislation, such as the Protection for Victims of Domestic Violence Act, had now been

harmonized with the Convention. In particular, she wished to know what progress had been made to amend or repeal section 277 of the Criminal Code, which permitted a man who had had sexual relations with a girl of between 13 and 15 years of age to escape prosecution by marrying her.

15. In the light of reports suggesting that the Gender Equality Act of 2015 was not consistently implemented, she wished to know what specific role was played by the Gender Equality Promotion Committee, whether there were plans to strengthen its work and what measures had been taken to ensure that the Gender Equality Promotion Fund had sufficient financial resources. Regarding section 17 of the Act, it would also be helpful to know why it was considered necessary to permit discrimination against women on the grounds of religious principles or national security and how the concept of national security had been defined while ensuring that women's human rights were still protected.

16. **Ms. Chotikajan Tang** (Thailand) said that the Government was fully aware of its duty to ensure that human rights defenders and lawyers could carry out their work in a safe environment. For that purpose, and in collaboration with civil society partners and the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Southeast Asia in Bangkok, a handbook on protecting human rights defenders had been developed. The handbook was a first step and more work needed to be done, such as arriving at a definition of human rights defenders and determining the types of protection they needed when working in the field. In addition, human rights defenders had been included as a specific target group in the draft fourth national human rights plan.

17. Following the withdrawal of the reservation to article 16 of the Convention, which had been achieved thanks to the concerted efforts of the Government and a comprehensive assessment and revision of the relevant legislation, the last remaining reservation was to article 29 (1). That reservation would be maintained, just as reservations to similar provisions of other international treaties to which the county was a party had, since the Government wished to reserve the right to decide whether to accept the compulsory jurisdiction of the International Court of Justice in contentious cases. Lastly, Thailand had a dualist legal system, which meant that international conventions ratified by Thailand first had to be transposed into domestic law before their provisions could be applied by the courts. The process of reviewing the existing legislation in order to identify areas where amendments or new legislation were required to fully implement the Convention was ongoing.

18. **Ms. Sirivejchapun** (Thailand) said that the introduction of the Gender Equality Act in 2015 had represented a major step forward for Thailand. That said, it was still a new piece of legislation and time would tell if amendments were needed. The Act was to be reviewed every five years; thus, it was possible that section 17 of the Act would be amended in the future. It was important to note, however, that the exemptions provided for in section 17 were intended to be interpreted and applied narrowly and in conjunction with existing religious principles and national security concerns. Moreover, the Act also contained a complaints mechanism to which persons who considered that they had been victims of gender discrimination could turn.

19. **Ms. Vichit-Vadakan** (Thailand) said that while, admittedly, the Women's Empowerment Fund had initially been mismanaged, improved management processes and procedures were now in place. Consequently, funds were being distributed much more effectively. Eighty per cent of the Fund was given over to providing loans to women and women's groups to set up income-generating activities and promote economic independence; the remainder was allocated to empowerment projects.

20. It was worth pointing out that the English translation of the Constitution of 2017 was not the authoritative version; as such, certain provisions might not be quite clear. For example, section 27 of the Constitution, on discrimination, was intended to establish the concept of temporary special measures. In so doing, special assistance could be provided in the future to disadvantaged persons without it being considered as a form of discrimination.

21. **Mr. Suadsong** (Thailand) said that, regarding acts of violence committed against women human rights defenders, any and all complaints filed with the police were duly

investigated and the necessary evidence collected. Offenders were duly tried and punished by the courts in accordance with Thai law.

22. **Ms. Paopramot** (Thailand) said that proposals to section 227 of the Criminal Code were currently being reviewed with the aim of harmonizing that provision, as well as other pieces of legislation, with the international conventions to which the country was a party.

23. Various measures and mechanisms were in place in order to ensure the effective implementation of the Gender Equality Act. For example, pursuant to section 5 of the Act, a Gender Equality Promotion Committee had been established with a remit to formulate policy and action plans to promote gender equality, carry out awareness-raising activities and commission studies on gender discrimination. Similarly, under section 31, a Committee had been established to administer the Gender Equality Promotion Fund and approve compensation for victims of discrimination.

24. **Ms. Manalo** said she wondered whether the fact that part of the State party's national machinery for the advancement of women had been transferred from the Office of the Prime Minister to the Ministry of Social Development and Human Security had deprived it of its prestige, visibility and strength. She wished to know whether the Government had undertaken an in-depth study of that machinery to identify to what extent it was effectively implementing the provisions of the Convention and pinpoint areas for improvement. Lastly, she asked how the State party ensured smooth coordination between the various entities working to promote the advancement of women and implement the Convention and the Gender Equality Act.

25. **Ms. Vichit-Vadakan** (Thailand) said that, as part of the Ministry of Social Development and Human Security, the Office of Women's Affairs and Family Development was now a fully fledged government department with a larger budget, workforce and mandate than had been the case when it had reported to the Prime Minister. As such, it was now better positioned to promote gender equality issues by carrying out awareness-raising activities and holding workshops to disseminate the Convention more widely. The introduction of chief gender equality officers and focal points in government ministries would further help the new Department bring about the change in attitudes required to achieve substantive gender equality.

26. **Ms. Manalo**, referring to the Women's Empowerment Fund, said that she wished to know what safeguards were in place to ensure that funding was not subject to overly bureaucratic procedures or corruption that could impede women's access to those resources.

27. **Ms. Vichit-Vadakan** (Thailand) said that the current Government was committed to stamping out corruption and had introduced legislation to that end. Moreover, in the light of the previous mismanagement of the Women's Empowerment Fund, a special unit had been established to manage the Fund and fail-safes were in place to prevent such problems from recurring. Processes were also being streamlined; in fact, responsibility for the Fund's decision-making processes now lay with women's groups themselves, thus eliminating unnecessary bureaucracy. As a result, funding was now being steadily disbursed.

28. Although no specific study had yet been undertaken regarding the effectiveness of the national machinery for the advancement of women in implementing the Convention, the Department of Women's Affairs and Family Development was assessed annually to see how well it had met its key performance indicators.

29. **Ms. Paopramot** (Thailand) added that, as part of efforts to assess and support the implementation of the Convention by the Department of Women's Affairs and Family Development, a number of inter-agency working groups covering various cross-cutting and thematic areas related to the Convention had been established.

30. **Mr. Wongkraisrithong** (Thailand) said that, regarding the Women's Empowerment Fund, anti-corruption measures included the active involvement of rural women and women's groups in the disbursement process. As a result, some US$ 85 million in funding had been distributed in the previous year. What was more, since the new process had been introduced very few complaints had been received.

31. **Ms. Nadaraia** said that, while she welcomed the introduction by the State party of a specific constitutional provision on the use of temporary special measures, she found it regrettable that, in practice, that provision had so far had little effect. In the political sphere, for example, efforts to set quotas for members of local government units at the sub-district (*tambon*) level with a view to achieving gender parity had failed. She wondered whether there were any prospects for such quotas to be reconsidered.

32. She wished to know what temporary special measures had been taken to promote women's social and economic participation. She wondered whether any training had been provided to familiarize public officials with the concept of temporary special measures and the many ways in which they could be used, in line with article 4 (1) of the Convention and general recommendation No. 25 on temporary special measures. She asked whether any temporary special measures were in place in fields in which women were particularly underrepresented, disadvantaged or faced significant discrimination, whether there were plans to promote policies aimed at transforming unequal gender relations and whether the Government envisaged extending the use of temporary special measures to include vulnerable groups, such as women with disabilities, rural women and indigenous women.

33. **Mr. Wannamethee** (Thailand) said that the diplomatic service adhered to the principle of non-discrimination in respect of the recruitment, assignment and promotion of staff members.

34. **Ms. Nadaraia** said that the Committee would welcome information on any temporary special measures that the State party had taken to accelerate progress towards the equal representation of men and women in the political, economic, educational and social spheres.

35. **Ms. Vichit-Vadakan** (Thailand) said that there was no disparity between the participation of men and women in the area of education. In fact, more women than men students were studying at the tertiary level. Women participated in the formal and informal sectors of the economy. In the private sector, women occupied over 40 per cent of middle management positions but were underrepresented at more senior levels. Disparities in the representation of men and women at senior levels also existed in the public sector and in education.

36. Although the possibility of introducing a quota system had frequently been discussed, it had encountered significant levels of opposition, including from some women who were concerned that such a system might change the way in which their achievements were viewed. In order to change attitudes to the idea of quotas, efforts were being made to draw attention to the fact that they had already been used for other purposes, such as to restrict the number of candidates from Bangkok and surrounding areas who could apply to study at regional universities. A change had been made to the Constitution to ensure that any setting of quotas in the future would not violate the Constitution. In the area of politics, a draft organic law on political parties, which was pending approval by the parliament, provided that political parties must take gender-equality goals into account when selecting and fielding candidates.

37. **Mr. Suadsong** (Thailand) said that, since 2009, the Royal Police Cadet Academy had admitted 70 women every year. To date, 620 women police officers had graduated from the Academy and were working at police stations all around the country. Opportunities for women to take leadership positions in police units had increased. The highest rank attained by women police officers to date was that of captain. The number of women police generals had increased to 17 out of a national total of 507 and some generals had been appointed as commanders. Furthermore, 295 out of a total of 3,200 police superintendents were women. Police generals were appointed on merit and men and women candidates were given equal consideration.

38. **Mr. Wongkraisrithong** (Thailand) said that some 4,000 out of a national total of 70,000 village chiefs were women. The representation of women in public life had increased in recent years following the implementation by the Government of a mechanism to promote and enhance such representation. Women were encouraged to propose budget ceilings for village development projects and to become village chiefs. At a more senior level, the number of women chief administrators at the district level was also increasing.

39. **Ms. Gabr** said that, despite the progress that the State party had made in enhancing women's human rights, further efforts were needed to eliminate stereotypes about women's role in society and family life and end domestic violence. She would welcome information on the outcome of the various projects and programmes aimed at challenging gender stereotypes. Examples of the role played by the media and civil society in that regard and the types of support provided by the Government to non-governmental organizations (NGOs) that worked towards that end would be appreciated. It would be useful to have details of any impact assessment of the Women's Development Plan for the period 2012-2016 and its outcome.

40. She asked what measures were being taken to end persistent harmful practices such as bride kidnapping, polygamy and female genital mutilation and how the policies of the various women's organizations and mechanisms to combat such practices were coordinated. She wondered what role the main stakeholders played in the campaign to prevent violence against women and children and what specific measures had been implemented to support it. She wished to know whether the domestic-violence hotline was available throughout the country and what support was provided to shelters run by NGOs. It was not clear whether persons working in the justice system, including police officers, prosecutors and judges, received training in dealing with domestic violence. Noting that the Domestic Violence Victim Protection Act did not cover sexual harassment and allowed for mediation in cases of domestic violence, she asked whether the State party would consider amending the Act.

41. Lastly, she wished to know what steps were being taken to implement Security Council resolution 1325 (2000) on women and peace and security, to provide Muslim women in the southern border provinces with access to the formal justice system and to ensure that legal protection and social services were provided to members of the ethnic groups whose rights had been violated.

42. **Ms. Sirivejchapun** (Thailand) said that the parliamentary committee responsible for women's affairs was attempting to spread the message that stopping domestic violence was the responsibility not only of government agencies but also of the entire population. Although membership of the committee had previously been restricted to women, it was currently open to men, as men and women needed to work together to promote and protect women's human rights. In order to ensure that the message of the campaign to end violence against children and women would be heard throughout the year, the Government had launched the "New Gen Say No" campaign, which aimed to ensure that school and university students became involved in combatting violence against women.

43. **Ms. Paopramot** (Thailand) said that, according to information collected by the One Stop Crisis Centre, which operated under the Ministry of Social Development and Human Security, the domestic-violence hotline had received 1,092 reports of domestic violence from all over the country. In view of the fact that certain sectors of Thai society still considered domestic violence to be a private matter, it was necessary for the Government to continue its efforts to combat the problem. Between October 2016 and May 2017, 298 arrests had been made in response to 411 reports of violence against women and 828 arrests had been made in response to 1,093 reports of harassment. The Government was in the process of developing guidelines on preventing sexual harassment in the workplace. Furthermore, it was working continuously to ensure that domestic violence was seen as a serious offence and to raise women's awareness of sexual harassment through local and national events, brochures and media broadcasts.

44. The National Broadcasting and Telecommunication Commission had recently launched a campaign, entitled "Turn Off the Violence", with the aim of encouraging the public to report violent content in advertising. Section 60 of the Constitution stipulated that the National Broadcasting and Telecommunication Commission was required to allocate air time to public service broadcasting, which the Government intended to use to raise awareness of gender-equality issues.

45. **Ms. Chotikajan Tang** (Thailand) said that the Ministry of Justice had established mechanisms, such as a justice fund, to provide support to women victims of violence who wished to file complaints. In order to encourage Muslim women victims in the southern border provinces to come forward with complaints, it was necessary to help them to

overcome the social pressure that often prevented them from doing so. The Government was taking steps to ensure that Muslim women were aware of their rights and knew how to use the legal system to report cases of violence. Agencies in the southern border provinces had been established to provide intelligible legal advice and assistance to women who required it.

46. Since 2012, the Government had been gathering the views of stakeholders around the country with a view to producing a national strategy on the implementation of Security Council resolution 1325 (2000). A strategy had been developed that involved all relevant government agencies and aimed to cover protection, prevention, capacity-building, empowerment and the participation of women in conflict resolution. Specific steps had been taken to involve women in the implementation of the women and peace and security agenda in the southern border provinces. To that end, public forums had been established in schools and other public places to enable women to voice their concerns and find peaceful solutions to conflict. As a result, a network of Muslim women leaders had emerged that might eventually come to rally and empower other disadvantaged groups.

47. The Government had assigned a significant number of women peacekeepers to United Nations peacekeeping operations. In 2016, for example, 10 of the 24 peacekeepers that the Government had assigned to peacekeeping missions had been women, a significantly higher percentage than the global average. A police unit comprising 100 women police officers had been specially trained to be deployed to countries that required additional law enforcement. The Government would continue to promote the women and peace and security agenda in order to support peacekeeping operations and sustainable development around the world.

48. **Ms. Manalo** said that she wished to know whether the support provided by the One Stop Crisis Centres was available throughout the country. She asked how effective such centres had been in helping women victims of violence and whether they helped women to avoid being victimized more than once. Commending the State party on its implementation of the women and peace and security agenda and on its efforts to involve Thai women in peacekeeping operations, she asked whether the Government had implemented any programme to encourage women colleagues in other States belonging to the Association of Southeast Asian Nations to participate in such operations.

49. **Ms. Schulz** said that, with regard to the efforts being made by the State party to tackle violence against women, she wished to know what steps were being taken to address the poor inter-agency coordination, the limited budget, the need for appropriately trained police officers, health-care staff, social workers and judges and the lack of clear definitions of crimes of violence against women in criminal law. It was essential that legislation on domestic violence should be extended to cover all members of a household and that sexual assault should be clearly defined in law. She wondered what steps had been taken to ensure that the adoption of the bill on the protection of family members' welfare, which was intended to prevent the break-up of families, would not have an adverse effect on efforts to combat violence against women.

50. **Ms. Vichit-Vadakan** (Thailand) said that the Government needed to step up its efforts to bring about a change in attitudes towards violence against women, in accordance with the Women's Development Plan. Although the Government did not have sufficient funds to use public broadcasting services to raise awareness of the issue, it was hoped that the change in the Constitution, mentioned earlier in the discussion, would enable public service broadcasts on the subject to be made within the next few years. Although it was possible that isolated cases of female genital mutilation took place, it was not a widespread problem in Thailand. The delegation would be grateful for any information on that issue that the Committee could provide.

51. **Mr. Suadsong** (Thailand) said that, with regard to the provision of witness protection programmes, separate facilities were available to ensure that victims could meet with police in a safe environment. The police service referred victims to the Ministry of Human Security and Social Development so that they could seek remedies, including financial remedies and health-care services. The Ministry of Justice was empowered to place victims on witness protection programmes. Since 2015, over 5,200 investigating

police officers, stationed all over the country, had received training in legislation concerning women and children. From 2015 to 2016, the number of women investigating officers had also been increased from 300 to over 420.

52. **Ms. Vichit-Vadakan** (Thailand) said that, although officially recognized, polygamy appeared to be on the decline. Extramarital affairs and the keeping of mistresses continued to occur, as such practices were engrained in Thai culture. A survey had been conducted in 2010, 2012 and 2013 and 2016 to gauge public attitudes towards gender equality and relations between men and women in general. Whereas the survey conducted in 2010 had shown there to be a high level of ambivalence towards gender equality, the survey conducted in 2016, which had targeted a larger sample group, had suggested that, in general, people were against polygamy and for the equitable division of household tasks between men and women, pointing to a gradual change in cultural attitudes.

53. **Ms. Gabr** said that the Committee had received information to the effect that, in Thailand, many Muslim girls were circumcised shortly after birth by local midwives or by gynaecologists in State hospitals. She recalled that female genital mutilation was a cultural phenomenon and not a requirement under sharia law. The State party should therefore take steps to criminalize it without delay.

54. **Ms. Manalo** said that the Committee had received reports that there had been an increase in the number of prosecutions brought under the country's lese-majesty laws and that they had been used to arrest protesters and perceived dissidents. She asked what measures the State party envisaged taking to prevent such abuses by the Royal Thai Police and whether both the civil and military courts were competent to rule on cases brought under those laws.

55. **Mr. Pukditanakul** (Thailand) said that, in Thailand, the civil court system and the military court system were completely separate. The military courts did not come under the jurisdiction of the civil courts. Ordinarily, the military courts were competent to try offences committed by military personnel in active service. However, the jurisdiction of the military courts could be extended to cover offences committed by civilians in times of war, armed conflict or under martial law, but only in exceptional circumstances.

56. **Ms. Gabr** said the Committee had been informed by alternative sources that Thailand remained a source, destination and transit country for women and children trafficked for the purpose of forced labour and sexual exploitation and that migrants in particular were at risk of falling victim to such crimes. Furthermore, the country's victim identification systems and referral mechanisms reportedly failed to meet the applicable international minimum standards and its shelters were allegedly unable to house all victims of trafficking owing to space constraints. Moreover, it appeared that no convictions for trafficking offences had been obtained over the past year. She asked whether the State party considered the information in the Committee's possession to be accurate and, if so, how the State party planned to remedy the shortcomings highlighted.

57. The Committee had also been given to understand that the root causes of human trafficking in Thailand included the erosion of the land rights and traditional livelihoods of indigenous peoples, a lack of appropriate educational opportunities for girls and the societal expectation for children to work, the persistence of customary practices that impeded women's empowerment, poor communication on the part of the Government, a lack of human trafficking prevention initiatives, the Government's perceived complicity in trafficking offences and a general misconception about what the crime of human trafficking involved. She asked whether the State party concurred that those factors lay at the root of the phenomenon and whether it considered the action plan to prevent and eradicate trafficking in women and girls adopted by the Ministry of Social Development and Human Security to have been effective. It would also be helpful to hear more about the amendments made to the Anti-Trafficking in Persons Act of 2008 and how they might contribute to the fight against impunity, to enhancing the protection available to victims of trafficking and to ensuring that traffickers and people smugglers were brought to justice.

58. The Committee was concerned that the alleged deficiencies in the State party's referral mechanisms would hamper its ability to differentiate between migrants who were attempting to enter the country unlawfully and migrants who had been trafficked. The

delegation might also comment on whether reports that a large number of migrant workers were fleeing the country on a daily basis were true. Nevertheless, the State party was to be commended on having granted Thai citizenship to stateless persons and legal residency to non-Thai and abandoned children.

59. Despite prostitution constituting a criminal offence under Thai law, it appeared that the activity was not considered unlawful in places of entertainment. She asked how the State party went about protecting women working as prostitutes in such places from sexual exploitation and ensuring that they benefited from the protection available to them under Thai labour legislation.

60. **Mr. Wannamethee** (Thailand) said that, in April 2015, the Prime Minister had declared the prevention and suppression of human trafficking to be a national priority and had instructed government agencies to use all means at their disposal to pursue and prosecute traffickers, including government officials. The budgetary resources allocated to the fight against human trafficking had been increased each year so as to bolster the activities undertaken in that connection. The Government had taken steps to expedite legal reforms and had tasked an ad hoc subcommittee with building the capacity of law enforcement agencies to prosecute trafficking offences, which, in turn, had served to expedite legal proceedings. In 2016, the Royal Thai Police had uncovered and investigated some 330 cases of human trafficking, while the Office of the Attorney-General had brought charges against suspected traffickers in some 300 cases. Some 270 persons had been convicted of trafficking offences in 2016, compared to some 200 in 2015. Since 2013, disciplinary action had been taken against 45 government officials, including 10 police officers in 2016. The Government had demonstrated its commitment to protecting groups that were vulnerable to trafficking and victims of that phenomenon by strengthening protection services and expanding the availability of care and rehabilitation services. It had also strengthened the legislative framework governing migrant workers in order to eradicate legal loopholes. The Government understood that it could not combat human trafficking in isolation and had thus sought to forge stronger partnerships with the private sector, international organizations and civil society.

61. **Ms. Paopramot** (Thailand) said that the Ministry of Social Development and Human Security had adopted short, medium and long-term measures to protect women and children against human trafficking. Its officials took steps to identify the groups that were most vulnerable to trafficking and the victims of that phenomenon, and, in cooperation with law enforcement agencies across the country, performed inspections of premises, including places of entertainment. Border areas were likewise subject to inspection. Moreover, the Ministry provided training to the officials of other ministries on human trafficking and encouraged them to play an active role in countering that scourge. The training in question also served to discourage government officials from using services when they suspected that the person providing them could be a victim of trafficking. The Ministry also had a duty to promote the implementation of anti-trafficking laws and had enlisted the help of the Thai media in that endeavour. Ministry officials were required to provide a progress report to the Prime Minister every three weeks.

62. **Mr. Thanghong** (Thailand) said that the rights, benefits and working conditions of women employed in places of entertainment, which were the same as those enjoyed by women employed in other sectors, were protected by the Labour Protection Act, the Social Security Act and other related labour laws. Persons working in the informal economy could take out social security insurance and claim the benefits provided for under the Social Security Act. Employers in the entertainment sector could lawfully hire unskilled migrant workers, in addition to actors, singers and musicians from abroad, in the circumstances provided for by law. The Government recognized that migrant workers were at risk of falling victim to human trafficking and was endeavouring to register and grant a temporary status to as many undocumented migrant workers as possible to enable them to remain in the country, at least provisionally. To date, some 1.6 million migrant workers had been registered.

63. Furthermore, the Ministry of Labour had signed bilateral agreements with neighbouring countries such as Viet Nam, Cambodia and Myanmar in order to promote safe and orderly labour migration in the region. To date, some 1.3 million migrant workers

had entered Thailand under those agreements. All migrant workers who completed the registration process or who entered the country under such an agreement and were lawfully employed were protected by Thai labour law. A new royal decree governing foreign workers was due to enter into force in July 2017. The aim of the decree was to promote and encourage safe migration and the lawful employment of migrant workers. It was hoped that it would contribute to the fight against human trafficking and unlawful employment and help to safeguard the employment rights of migrant workers.

64. **Mr. Suadsong** (Thailand) said that the Ministry of Justice and the Royal Thai Police had developed a handbook on witness protection with the aim of harmonizing the practices of the law enforcement agencies. The handbook was due to be published in September 2017.

65. **Ms. Gabr** said that, despite the advances that the State party had made in the fight against human trafficking, it remained on the Tier 2 Watch List of the Department of State of the United States.

66. **Ms. Manalo**, noting that the State party had not signed the Convention Relating to the Status of Refugees, asked what progress it had made in assisting stateless women and children and how it went about preventing statelessness in general. It would also be useful to know why the State party had yet to take any action on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She drew the delegation's attention to the Committee's general recommendation No. 26 on the rights of female migrant workers (CEDAW/C/2009/WP.1/R).

67. The Committee had also received reports that women working in the entertainment sector, regardless of whether they worked as prostitutes, were often arrested and held by the Royal Thai Police following raids and were subsequently denied legal aid. She would like to receive information on the protection available to women in that situation under Thai law.

68. **Ms. Schulz** said that the Committee had learned from alternative sources that female sex workers employed by legally registered enterprises were often the victims of violent raids and entrapment operations conducted by the Royal Thai Police, in violation of the Criminal Code. Those women were at permanent risk of being accused of engaging in unlawful activities and did not benefit from the principle of the presumption of innocence. It was also her understanding that those women did not in fact have access to social benefits or enjoy the protection provided for under Thai labour law. The Committee had also been informed that the persistence of gender bias and corruption within the Royal Thai Police often prevented those women from gaining access to justice. Furthermore, female sex workers were reportedly extorted by corrupt police officials and deprived of a large portion of their income on a regular basis. She asked whether the State party intended to suspend the enforcement of the Prevention and Suppression of Prostitution Act of 1996 in legally registered enterprises and to order the cessation of violent raids and entrapment operations. She would also welcome information on the number of cases brought by female sex workers against their employers for violations of Thai labour law. How did the State party intend to protect female sex workers from extortion at the hands of corrupt police officers? Did it plan to extend the rights, benefits and protections currently available to migrant workers to sex workers in the entertainment sector? Had it considered clarifying the definition of exploitation of prostitution? The delegation might also provide information on the prevalence of trafficking in women for purposes other than sexual exploitation.

69. **Ms. Sirivejchapun** (Thailand) said that the revised Anti-Trafficking in Persons Act had been adopted by the parliament in December 2016 and had entered into force in 2017. The Act had been revised to provide greater protection against child labour, which was often linked to human trafficking. The revised Act prohibited the employment of children under the age of 15 in arduous or hazardous work and provided for safeguards against sexual and other forms of exploitation.

70. **Mr. Suadsong** (Thailand) said that the Royal Thai Police did not authorize or condone unlawful raids or entrapment operations and investigated any allegations of misconduct by police officers.

71. **Ms. Vichit-Vadakan** (Thailand) said that the question of whether to legalize or criminalize prostitution was the subject of much debate in Thailand. The Government's

priority was to protect sex workers from exploitation. Under the new Constitution, any new legislation would have to be the subject of a public consultation. It was her understanding that sex workers or other persons who were employed full-time in the entertainment sector were entitled to receive social security benefits. However, some sex workers were not employed on a full-time basis and therefore struggled to receive those benefits, irrespective of their entitlements under Thai labour law.

72. **Ms. Schulz** asked whether, in Thailand, persons had to be full-time employees to benefit from the protections afforded under labour and social security laws.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1505

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
18 July 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1505th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 5 July 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Thailand (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Thailand (*continued*) (CEDAW/C/THA/6-7; CEDAW/C/THA/Q/6-7 and Add.1)

Articles 7 to 9

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

2. **Ms. Nadaraia** said that women were still underrepresented in politics, public administration and the private sector and accounted for only a small minority of places in the National Legislative Assembly, the Cabinet, the National Reform Steering Assembly and the Constitutional Drafting Committee. Although the eleventh Economic and Social Development Plan contained a strategy to encourage women's participation in the decision-making process, the new Constitution failed to ensure that women could hold public office and contribute to government policy on an equal footing with men; nor did it establish a quota system or similar mechanism to prevent women's exclusion from political office. Furthermore, only a small number of women held high-ranking positions in the judiciary. The Committee would welcome further details of the Government's strategy to strengthen women's representation in leadership and decision-making roles, including in the Senate, the public administration, the judiciary and the private sector. Some improvement had been noted in the diplomatic service, with women increasingly present in the Thai delegations that attended various international forums; in that regard it would be interesting to know the proportion of senior diplomatic posts that were occupied by women.

3. **Ms. Gbedemah** said that she commended the State party for amending its nationality law, for endorsing the 10-year campaign to end statelessness of the Office of the United Nations High Commissioner for Refugees (UNHCR) and for approving a resolution on measures to address the problem of stateless persons in Thailand by making 80,000 children and young adults eligible for Thai citizenship. She would be interested to know the proportion of girls and women that had applied for nationality as a result of the government resolution.

4. Concerning citizenship, the Committee was concerned that the nationality requirements were stricter for the foreign spouses of Thai women than for the foreign spouses of Thai men, in spite of the Committee's recommendation that the Nationality Act should be brought into conformity with article 9 of the Convention. The replies to the list of issues indicated that the Government was considering further amendments to the Act, but it remained unclear whether they were aimed at bringing the law more closely into line with the Convention or whether there was a time frame for doing so.

5. While she appreciated the information that all children born in Thailand were entitled to birth registration, she was concerned that some parents continued to face difficulties in registering births due to their economic circumstances, ethnicity and migrant status. Noting that 794 hospitals operated birth registration databases linked to the national database of the Ministry of the Interior, she wished to learn what proportion of the country's hospitals that entailed. Information on the proportion of children born in hospitals would also be welcome. She also wondered whether the costs attached to providing birth registration posed a problem.

6. The Committee would be grateful for a comment on reports that members of ethnic minority communities were regarded as illegal aliens and that they encountered difficulties in finding employment and housing, which indicated that their access to education and health care might be restricted and their livelihoods and freedom of movement threatened. The delegation should describe the measures that had been adopted to treat women equally, especially in view of the observation that men were given priority when it came to processing nationality applications. More information on the number of stateless women and men who had been granted or denied nationality would be helpful. She urged the State

party to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

7. **Mr. Wannamethee** (Thailand) said that the Ministry of Foreign Affairs adhered to the principle of non-discrimination at all levels of the diplomatic service. As of June 2017, 16 women (41 per cent) held executive positions, including the senior civil service post of Permanent Secretary, while 9 out of 67 ambassadorships (13 per cent) were held by women. Approximately 55 per cent of middle-ranking posts were also held by women, which suggested that female ambassadors would eventually outnumber their male colleagues.

8. **Mr. Wongkraisrithong** (Thailand) said that marriage to a Thai national offered a pathway to Thai nationality for foreign nationals of both sexes, irrespective of their nationality, although, in the past, the female spouses of Thai nationals had been able to acquire nationality more readily than male spouses. However, the Ministry of Interior had recently put forward a proposal for an amendment to the Nationality Act so that the eligibility criteria for nationality was the same for both sexes. However, one aspect taken into consideration in the granting of citizenship to male foreign nationals, albeit not an absolute requirement, was that they should have a stable source of income.

9 Stateless persons living in Thailand numbered approximately 2.5 million. The procedures for applying for Thai nationality were different for the stateless persons who had migrated to the country and the children born to those persons. In the preceding two years nationality had been granted to approximately 250,000 people, and provision had been made under the law for stateless persons to become Thai residents. They also had access free medical treatment, basic education and employment opportunities similar to that of Thai citizens.

10. Children born in hospitals were automatically registered through a computerized system, although births outside hospitals, for example in remote rural areas, could be registered after the child was born. The Government also operated a computerized system to maintain data on non-Thai residents in order to provide them with the necessary services and enable them to exercise their rights.

11. **Ms. Paopramot** (Thailand) said that the statistics on women's political participation had shown slight improvements. A woman Prime Minister had held office from 2011 to 2014, while a Muslim woman had been appointed deputy governor of Narathiwat Province. The Government was drafting an organic law on political parties that included a section on women's representation, while the Constitution stipulated that, in preparing the lists of candidates for election to the House of Representatives, regard for equality of opportunity and the proportion of men and women must be had. Women accounted for 16 per cent of elected local government officials. Thailand had posted impressive figures for the economic participation of women and, in 2017, was the Asia-Pacific country with the third-highest proportion of leadership roles held by women. Women now accounted for about a quarter of the heads and deputy heads of agencies, departments and ministries, while 12 women held positions as Members of Parliament. Participation in the judicial system was high, with women accounting for 41 per cent of judges and trainee judges in 2016 and more than half of successful candidates in the examination to become judges.

12. **Ms. Vichit-Vadakan** (Thailand) said that the Government was aware of the current gender gaps in political participation and was laying the groundwork to increase the number of women in decision-making positions. A constitutional framework had been developed in which the Election Commission sought to ensure parity between male and female candidates in elections, although further work was required to provide an enabling environment for women to enter politics. In that regard, the Office of Women's Affairs and Family Development had worked with civil society and an external partner to deliver training courses on subjects such as public speaking, preparing budget proposals and ethics. Those training workshops were non-partisan and had been attended by former deputies and members of two of the main political parties. Among the 200 lawmakers who would be selected for the Senate, 50 would be chosen from a list of candidates put forward by professional groups from various industries and walks of life. One of those groups would represent women. The law governing the Senate election was still being drafted and women's representation had been promoted as part of that process.

13. **Ms. Schulz** said that the section of the Constitution on women's representation in the House of Representatives did not amount to a serious commitment to improving women's political participation. She was concerned about the drastic fall in the number of female lawmakers, when compared with the statistics for the previous legislature. Further information on the content of the new electoral law, such as whether it included a mechanism to ensure women's representation in the House of Representatives, would therefore be useful. Were efforts to attain gender parity complicated by the use of the first-past-the-post system as opposed to proportional representation? Regarding the appointments to the Senate, she asked whether provisions set forth in section 108 (a) of the Constitution concerning eligibility for the Senate might result in indirect discrimination against women. Finally, she wondered whether any new steps had been taken to improve participation in local government in view of the failure to introduce gender parity at the sub-district (*tambon*) level.

14. **Ms. Manalo** said that she would be grateful if the State party could provide the Committee with statistics to illustrate the effectiveness of initiatives to prepare Thai women for participation in politics and public administration. She had been pleased to learn of women's increasing role in the foreign service, although the proportion of women was higher in other countries in the region. Therefore, the Government should continue its efforts to encourage more women to pursue diplomatic careers. Lastly, she asked whether Thai women automatically transmitted their nationality to their children, regardless of whether the father's identity was recorded, and whether dual nationality was granted to children whose fathers were foreign nationals.

15. **Mr. Wongkraisrithong** (Thailand) said that the country had adequate facilities for the registration of births, including some 1,000 hospitals, and more than 7,000 health centres that were able to collect birth information and transfer the relevant data to the hospitals. Some 1,400 registration centres were also connected to the computerized system. In the previous three years, 250,000 stateless persons had been granted citizenship. The gender ratio of the 80,000 children and young people being considered for citizenship was approximately 1:1. The Government was making concerted efforts to protect stateless persons, and many of the measures taken to address the problem offered greater protections than those covered under the statelessness conventions. The Nationality Act was applied equally to both male and female spouses of Thai nationals and did not discriminate on the basis of gender. In addition, children who were left behind or separated from their parents were automatically regarded as Thai nationals.

16. **Ms. Paopramot** (Thailand) said that the Ministry of Social Development and Human Security had implemented a training programme to support female political candidates from all major political parties in Thailand. The Ministry had also worked with the United Nations Development Programme on a four-year programme to empower Muslim women in southern Thailand. As a result, a network of associations for Muslim women had been established in seven provinces. The Government was continuing its efforts to improve basic rights and access to social welfare for the country's ethnic minority groups, including their nationality rights.

Articles 10 to 14

17. **Ms. Song** wished to know what measures were in place to improve the literacy rate among women over 40 years of age. She also asked whether the Government had a strategy to encourage girls to study non-traditional subjects and how it had addressed prejudices in textbooks. She would appreciate information on the results of any research into such prejudices. She would welcome information on measures to help teenage mothers to complete their studies and prepare them for employment.

18. **Mr. Bergby** said that the Labour Protection Act left many female domestic workers without access public maternity services or the right to maternity leave or compensation for income lost after giving birth. It appeared that workers were not fully informed of their rights owing to incomplete implementation of the Home Workers Protection Act. He wished to know whether the Labour Protection Act, Social Security Act and Workmen's Compensation Act would be amended to cover all domestic workers and provide maternity leave and full compensation for lost income. He wished to know which jobs appeared on

the list of work considered inappropriate for pregnant women under the Labour Protection Act. He asked whether pregnant employees unable to perform their normal tasks were given alternative work or paid time off. He commended the State party for its ratification of the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), but wished to know whether a time frame had been established for ratification of the ILO Maternity Protection Convention, 2000 (No. 183). The retirement age remained 55 years of age for women and 60 for men, which appeared to discriminate against women, as their pensions were thus lower. He asked whether there were any plans to make the retirement age the same for men and women.

19. **Ms. Chalal** said that she was concerned that the draft legislation on reproductive health had not been adopted and that many health programmes lacked a gender dimension. She would appreciate additional information on the follow-up to the draft. She asked what measures had been taken to reduce the teenage pregnancy rate, whether abortion was permitted in cases of birth defect and how illegal abortion was addressed. She would welcome statistics on illegal abortion.

20. As HIV/AIDS was one of the leading causes of maternal mortality, she wished to know whether the National AIDS Strategic Plan for the period 2014-2016 had been successful in reducing the rate of HIV/AIDS and helped the women affected to gain access to the social protection system. It would also be helpful to have statistics on the prevalence of HIV/AIDS and information on the medicines available in rural areas. As the use of contraception remained low, she wished to know whether the Government planned to strengthen its sex education programmes for adults and teenagers.

21. Interpreters and carers could be employed in the health service to reduce the discrimination suffered by marginalized women, including Muslim women, women from the lesbian, gay, bisexual and transgender (LGBT) community, and female migrants and refugees. She asked how the Government planned to guarantee equal access to health care for those women. She wished to know whether the second National Reproductive Health Policy and Strategic Plan addressed the shortcomings found in the first plan. She would also welcome further information on the aims, human and financial resources and status of implementation of the second Plan.

22. **Ms. Song** noted that female-headed households had a lower average income than male-headed households. She wished to know what measures had been developed to assist women living in poverty and whether female-headed households received any social support or assistance in obtaining bank loans. She asked whether implementation of the National Village and Urban Community Fund had been assessed and how many women had received loans under the Fund. Furthermore, she wished to know whether there were any schemes or training programmes available to help female entrepreneurs.

23. **Ms. Jahan** said that women in rural areas faced disproportionate discrimination in access to basic services, including health care. She asked whether the Government planned to include a gender perspective and allocate adequate funding to all plans concerning rural areas and whether special measures would be adopted to improve equality and access to justice for women from rural areas and hill tribes. Information on the current number of female village chiefs would be appreciated. She wished to know what measures were in place to allow women to find decent employment in rural areas, whether the Thai Women Empowerment Fund was easily accessible for rural women and girls and whether an impact assessment on the distribution of money from the Fund had been carried out.

24. As violence in southern border provinces disproportionately affected women and children, increasing the number of widows and female-headed households, she would welcome information on available remedies for the family members of people injured or killed in those areas. She also wished to know how the citizenship application process was being adjusted for women from ethnic minorities living in rural areas, many of whom had limited proficiency in the Thai language.

25. She asked what measures had been taken to involve rural women in development projects, such as mining, and ensure that land leases and contracts did not violate their rights or result in forced evictions. She also wished to know how rural and indigenous people were involved in the process of making laws on national parks, wildlife sanctuaries

and forestry. Moreover, it would be helpful to learn what steps were taken to ensure that women human rights defenders working in rural areas were free from harassment and discrimination.

26. As women were primarily responsible for the care of older persons in Thailand, she asked whether the Act on Older Persons had a gender perspective, took into account the specific needs of elderly women or provided for subsistence allowances for older women in rural areas. She would appreciate further information on the current legal protections for persons with disabilities, the majority of whom lived in rural areas, and the follow up to the recommendations of the Committee on the Rights of Persons with Disabilities pursuant to its consideration of the initial report of Thailand. She also wished to know whether there were any plans to introduce temporary special measures to include more women in the National Commission for the Empowerment of Persons with Disabilities, what remedial measures had been taken to prevent women with disabilities from being subjected to forced sterilization and abortion and what steps were being taken to improve access to justice for women with disabilities.

27. She would appreciate it if the delegation could comment on reports that the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) had not been fully applied. She also asked whether Thai women on death row in other countries received government support and whether three-dimensional body scanners were used to prevent invasive physical examinations. She wished to know what measures had been undertaken to include women from rural areas and hill tribes in efforts to adapt to climate change and disaster management, including through participation in planning national policies and programmes.

28. **Ms. Vichit-Vadakan** (Thailand) said that a committee had been formed to review textbooks, eliminate gender bias in schools and promote the participation of women and girls in sports. The Government aimed to make schools gender neutral and more conducive to female leadership.

29. **Ms. Mosika** (Thailand) said that educational institutions were required to provide counselling and basic assistance for pregnant students and their parents. Work had been carried out with doctors and psychologists to ensure that pregnant students were able to receive appropriate reproductive health care and social welfare. They could also arrange to take examinations and return to school after giving birth. Non-formal education was provided nationwide for persons over 15 years of age, including children not enrolled in formal schooling. The literacy rate for women over 40 years of age was approximately 97 per cent. The Government was working to increase the number of women studying science, technology, engineering and mathematics. A study conducted by the United Nations Educational, Scientific and Cultural Organization and the Korean Women's Development Institute had shown that, in Thailand, girls outperformed boys in mathematics and science, and over half of science students and researchers were female. However, only 14 per cent of students of engineering, manufacturing and construction were women. Furthermore, as at December 2016, the numbers of male and female doctors were approximately equal.

30. **Mr. Thanghong** (Thailand) said that Thai women and female migrant workers employed in the informal sector, particularly in domestic work, did not have full protection of their rights. However, in 2012, domestic workers had been granted the right to take holiday and sick leave with pay and to receive severance pay. It was illegal for anyone under the age of 15 to work in domestic service. Under the Social Security Act, certain migrants would soon be entitled to insurance, and the Government was considering an extension of social security to cover all workers in the agricultural, fishing and forestry sector.

31. It was illegal for employers to terminate the contracts of pregnant employees, or reduce their wages and benefits. Employers were obliged to ensure that pregnant employees worked in safe and appropriate conditions; it was prohibited for them to work between 10 p.m. and 6 a.m. or engage in mining or underground construction. In January 2017, the Government had amended the Labour Protection Act to set the retirement age at 60 for both men and women. However, people over the age of 55 were entitled to receive retirement benefits.

32. **Ms. Sirivejchapun** (Thailand) said that Thailand's reproductive health policy had been in force since 1997, with a series of amendments and pieces of legislation having been enacted since then to address areas of concern. A recent law had been passed in order to tackle the urgent issue of teenage pregnancy, which had made provision for the establishment of a committee with representatives from various Government ministries, civil society and young people. The delegation would welcome any recommendations from the Committee in that area.

33. **Ms. Chotikajan Tang** (Thailand) said that the State party's active efforts at the national and international level over the previous three decades had succeeded in reducing the number of new HIV infections. The Government was committed to ending the AIDS epidemic, AIDS-related deaths and the stigma and discrimination often associated with the disease in accordance with the goals of the national AIDS strategy for the period 2017-2030. Women, children and the elderly were identified as a group requiring special attention as part of that strategy. The Government had also intensified its efforts to respect, protect and promote the rights of women living with or affected by HIV and their children. Thus, all pregnant women, including undocumented migrant workers, were provided with free antenatal care, delivery and HIV treatment services. Data showed that 98 per cent of all pregnant women living with HIV had access to antiretroviral therapy. As a result of these efforts, Thailand had been the first country in the Asia-Pacific region, and the first country with a major HIV epidemic, to ensure an AIDS-free generation. In 2016, the country had received validation from the World Health Organization (WHO) for having eradicated mother-to-child transmission of HIV and syphilis. Thailand had conducted awareness-raising campaigns on condom use and provided free antiretroviral treatment for all Thai nationals, cutting the number of new HIV infections to 8,000 in 2013. A universal health-care system was in place, based on the principle of non-discrimination, to ensure equitable access to health care for everyone, regardless of income, gender or immigration status.

34. **Ms. Paopramot** (Thailand) said that learning centres had been set up for women and families from disadvantaged groups. Job training was provided to low-income girls and women in remote areas, as well as to female victims of trafficking and prostitution. The centres also worked with the local community and schools to raise awareness of gender equality and human rights issues and provided employment assistance and support for business start-ups.

35. **Mr. Suadsong** (Thailand) said that men and women were detained separately in immigration detention facilities in accordance with Immigration Bureau order No. 148/2000. Furthermore, the Thai police were aware of the issue of invasive body searches and were in the process of introducing three-dimensional body scanners; 12 were already in use in prisons and correctional facilities.

36. **Ms. Rana** said that she wished to hear about the progress, status and funding of the national action plan to implement Security Council resolution 1325 (2000) on women and peace and security, particularly as it pertained to the involvement of rural women from the south of the country. As the Committee had received reports that DNA samples were being taken from children as young as 5, she would also like to know what initiatives had been put in place to stop that practice and to ensure informed adult consent was given if the taking of samples was necessary.

37. **Ms. Song** asked what percentage of the committee managing the National Village and Urban Community Fund were women and whether the gender perspective was integrated into the committee's work.

38. **Ms. Paopramot** (Thailand) said that the Government ensured that there were laws and measures in place to deal with disputes over the use of public land. Such measures were implemented through a fair and transparent process, with all persons receiving equal treatment regardless of gender. Restrictions on the use of land were gradually being relaxed. All persons who encroached on public land would eventually be relocated, although provision had been made to provide such persons with the necessary housing and employment assistance. Evictions were not arbitrary and were only carried out following a court ruling. The Government respected the rights of all local communities to use the land and natural resources. Men and women from ethnic groups were protected from

discrimination by law and were entitled to public services. A national plan for the development of ethnic groups for the period 2015-2017 had had sought to improve their access to farmland and legal status and help them to adapt to change.

39. **Mr. Wongkraisrithong** (Thailand) said that DNA samples from both suspects and victims in criminal proceedings were collected, since it was the most reliable form of evidence. However, DNA samples could not be taken without consent, as that would render the evidence inadmissible in court. Women were well represented in the committees responsible for the National Village and Urban Community Fund at the village, district and provincial levels and in the Thai Women Empowerment Fund. Both men and women could thus participate in public life and have access to funding for job creation at the local level.

40. **Ms. Chotikajan Tang** (Thailand) said that the strategy under the women and peace and security agenda was currently being translated into concrete measures and guidelines, with the support of UN-Women. The strategy was created with the participation of women from all walks of life, including Muslim women from the south of the country. Leaders of Muslim communities held seats on the committee set up to devise the strategy. Assistance was received through the women and peace and security focal point network, which provided useful information from States with more advanced national action plans in that regard. She did not have statistics on abortion to hand but would submit them in writing.

Articles 15 and 16

41. **Ms. Hayashi** said that she welcomed the recent legislative amendments in response to the concluding observations of the last reporting cycle (CEDAW/C/THA/CO/5), particularly the amendments on marital rape and the recognition of equal rights of husbands and wives in divorce matters. However, despite the State party's affirmation in the response to the list of issues that provisions of the law relating to marriage and divorce applied equally to everyone, families in indigenous communities continued to be governed by traditional law, thus allowing discriminatory practices. Polygamy was one such example. She failed to understand the relatively high prevalence of polygamy in the State party and to what extent it had been denounced by the Government; she would welcome more concrete information in that regard. She would also like the delegation to elaborate on efforts to raise awareness among indigenous communities and policymakers about the rights of women in family relations.

42. The Committee was concerned that, although the marriage age was 17, alternative sources found that courts permitted the marriage of children as young as 13. Moreover, under section 277 (5) of the Criminal Code, perpetrators of statutory rape could avoid prosecution by marrying the victim, with the court's approval. She would like to have statistical data, disaggregated by age, on the number of such marriages that had been approved by the courts. According to data from the United Nations Children's Fund (UNICEF), more than 15 per cent of adolescent girls were married or in a de facto union in 2016, and over 20 per cent of women aged 20-24 had married before the age of 18. The Committee was concerned, since these figures had remained steady in recent years, and she would thus like to know what measures had been introduced to address early marriage and end impunity for those who violated family law. Regarding surrogacy, she wished to know what legal reforms were being planned to ensure that surrogate mothers' rights were respected, particularly the right to terminate the pregnancy if they wished, and that the children of surrogate mothers enjoyed the same citizenship rights as their prospective adoptive parents.

43. **Mr. Pukditanakul** (Thailand) said that, for more than 80 years, the law had only permitted monogamous marriage in Thailand; however, four southern provinces allowed polygamous marriage under Islamic law. Although there were programmes in place to cooperate with religious leaders in order to discourage polygamous marriages, they had little effect in remote areas. There were only a very limited number of cases where courts had granted approval for perpetrators of statutory rape of minors to marry their victims and thus evade justice. In such cases, before granting approval, the courts were obliged to consider the best interests of the child.

44. **Ms. Hayashi** said that the Committee had expressed concern in their last concluding observations about the 310-day waiting period for women to remarry, which did not apply to men, and she wondered whether that discriminatory provision of the law had been amended since.

45. **Mr. Pukditanakul** (Thailand) said that his Government had been working with religious leaders in Muslim communities, who also served as judges, to change attitudes. However, the Government had found it very difficult to intervene in such cases, since practices involving marriage or divorce concerned deeply held religious beliefs; nevertheless, there were programmes in place to encourage change, and progress was being made in that regard, albeit slowly.

46. **Ms. Sirivejchapun** (Thailand) said that the provisions of the law on surrogacy were aimed at preventing human trafficking. Under that law, the prospective parents had to be lawfully married and physically unable to have children themselves. There were many mechanisms and laws in place to protect the rights of both the prospective parents and the surrogate mother.

47. **Ms. Setthakorn** (Thailand) said that she appreciated the Committee members' comments and guidance, and her Government would endeavour to incorporate them in future strategies to implement the Convention.

The meeting rose at 5.20 p.m.

United Nations CEDAW/C/SR.1506

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 July 2017

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1506th meeting
Held at the Palais des Nations, Geneva, on Thursday, 6 July 2017, at 10 a.m.

Chair: Ms. Halperin-Kaddari (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Romania

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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In the absence of Ms. Leinarte (Chair), Ms. Halperin-Kaddari (Vice-Chair) took the Chair.

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Romania (CEDAW/C/ROU/7-8; CEDAW/C/ROU/QPR/7-8)

1. *At the invitation of the Chair, the delegation of Romania took places at the Committee table.*

2. **Ms. Drăghici** (Romania), introducing the combined seventh and eighth periodic reports of Romania (CEDAW/C/ROU/7-8), said that her Government had reaffirmed its commitment to implementing the Convention on the Elimination of All Forms of Discrimination against Women by making gender equality a priority issue and devoting an entire chapter of its governance programme for 2017-2020 to women's rights. President Iohannis was among the 10 global leaders to become a champion of gender equality under the UN-Women "HeForShe" campaign. Moreover, upon becoming a member State of the European Union in 2007, Romania had acquired the rights and obligations arising from European Union treaties and the entire *acquis communautaire*, including those stemming from the European Union directives on gender equality.

3. A stable institutional mechanism was in place, namely, the National Agency for Equal Opportunities for Women and Men, which was responsible for promoting equal opportunities and equal treatment for women and men and for preventing and combating gender-based violence. The priority placed by the Government on fostering inter-agency cooperation and ensuring the involvement of civil society organizations had also yielded results: an interministerial committee on preventing and combating domestic violence had been established pursuant to article 10 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), which Romania had ratified in 2016; and a number of cooperation agreements had been signed with civil society organizations working in the fields of gender equality and gender-based violence.

4. A national strategy on gender equality and domestic violence was currently being developed by the Government in cooperation with representatives of civil society, the relevant ministries and local administrations, and the country's first project on gender budgeting was in the pipeline. Since 2015, a national gender equality day had been commemorated every year on 8 May, kick-starting a week-long series of activities designed to promote equal opportunities and awareness of the principles enshrined in the Convention on the Elimination of All Forms of Discrimination against Women. Furthermore, Romania had been actively involved on the international stage, hosting a side event on gender mainstreaming at the annual meeting of the Commission on the Status of Women in 2016; becoming a member of the European Centre for Global Interdependence and Solidarity; providing expertise within the framework of a European Union twinning project to support the implementation of gender equality in the former Yugoslav Republic of Macedonia; and hosting the forthcoming International Organization of la Francophonie world conference, on the role of women in economic development.

5. Law No. 217/2003, on preventing and combating domestic violence, was to be amended so as to harmonize its provisions with the Istanbul Convention and, in particular, to provide for the use of emergency protection orders allowing for the aggressor to be removed from the home in situations of immediate danger. Psychological violence had been defined as an offence that was punishable with up to a year in prison, a fine or, in some cases, community service. Various projects to tackle domestic violence had been developed by the National Agency for Equal Opportunities for Women and Men. For example, local centres and rehabilitation programmes for perpetrators of domestic violence were being set up with financial support from Norway. The National Agency had also conducted awareness-raising campaigns on domestic violence, in partnership with a large supermarket chain, and disseminated information about a toll-free telephone line put in place to help combat domestic violence. With regard to combating sexual violence, the National Agency

was working in cooperation with other organizations to carry out the "Justice Has No Gender" project to educate younger generations on gender-based violence and gender equality. Eight rape crisis centres were due to be set up through partnerships with county hospitals. Under the new Criminal Code, which had been in force since 2014, all forms of human trafficking, including trafficking for the purposes of exploitation, child pornography, slavery and pimping, were outlawed.

6. Regarding women's participation in political and public life, two bills had been drafted with a view to establishing a 30 per cent gender quota on party lists in both parliamentary and local elections. In fact, between 2012 and 2016, the number of women members of parliament had increased from 12 per cent to 21 per cent and the number of women mayors had risen by 25 per cent.

7. The principle of non-discrimination in the field of education had been incorporated into law in 2011 and applied to all educational levels, including tertiary education and lifelong learning. Efforts were also being made to include a gender perspective and to cover issues such as gender-based violence in academic curricula at all levels. There were, however, many challenges still to be addressed, including reducing the dropout rate and improving the retention rate in schools. That said, a package of measures had been introduced to provide additional support to pupils, in particular those whose parents were working abroad. For example, a free after-school programme offering remedial classes and leisure activities had been introduced for primary and secondary school children, as had free school transport. Children from vulnerable groups were entitled to free school meals and school materials. In addition, one per cent of State university places were ring-fenced every year for Roma students, thereby encouraging them to study and embark on a successful career.

8. In the field of health, considerable efforts had been made since 2006 to improve the health of women and children in Romania. For example, a number of national programmes had been rolled out to improve family planning and maternal health, and a comprehensive national strategy on health had been adopted in 2014 to enhance health-care services at all levels of care. In view of the major health-care challenges arising from an ageing population, the Government had allocated the equivalent of 4 per cent of the country's gross domestic product to the health sector in 2016 and was committed to further future investment.

9. Lastly, a range of measures had been taken with the aim of eliminating discrimination in other areas of women's lives. For instance, the National Strategy for Employment for 2014-2020 contained specific measures to increase women's participation in the labour market by providing childcare facilities, promoting flexible working arrangements and combating gender stereotypes and the gender pay gap, among other things. Initiatives such as means-tested allowances and other social assistance measures were also being implemented to tackle poverty and foster social inclusion, including that of the Roma population.

Articles 1 to 6

10. **Ms. Hofmeister**, while welcoming the fact that the Romanian Constitution was largely in line with the Convention, said it was regrettable that intersecting and multiple forms of discrimination were not taken into account anywhere in the State party's legal system. Moreover, the legal definitions of rights were vague, while the consequences of violating those rights were often inadequate and laws were not properly enforced, all of which served only to engender public mistrust of the legal system and its ability to uphold their rights. The human rights situation in Romania seemed to have deteriorated over the past decade: no framework was in place for gender mainstreaming or gender budgeting; no financial support was provided to women's non-governmental organizations (NGOs); and the Romanian Institute for Human Rights was not in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). In that light, she wished to know what specific steps were being taken or were envisaged to ensure de jure and de facto equality of women; what measures were being implemented with a view to identifying and eliminating multiple and intersecting forms of discrimination; and what was being done to bring the status of the country's

national human rights institution into line with the Paris Principles. Lastly, she asked whether the Romanian Government intended to formulate a national action plan to implement the recommendations of Security Council resolution 1325 (2000) on women and peace and security.

11. **Ms. Dimitrescu** (Romania) said that, under Law No. 202/2002 on equal opportunities for women and men, a number of mechanisms had been established to handle complaints from persons who had been victims of gender discrimination. Complainants could also have their cases referred to the courts. For example, in cases of gender-based discrimination in the workplace, the process usually involved mediation, after which, if the grievance remained unresolved, it could be referred to the relevant court. It was worth pointing out that there was a reversal of the burden of proof in discrimination cases, meaning that the onus was on the accused to disprove that discrimination had occurred. The National Council for Combating Discrimination conducted statistical analysis of the complaints received.

12. **Ms. Petrescu** (Romania) said that, in accordance with the Code of Civil Procedure, anyone who wished to do so could bring a complaint of gender-based discrimination before the courts. The Code of Criminal Procedure also contained provisions that enabled individuals to file petitions with the prosecution service if they felt that they had been subjected to discrimination. Article 21 of the Constitution, on free access to justice, stated that any person who had been discriminated against could file a complaint with either the civil or the criminal courts.

13. Although the Constitution provided that all citizens were equal before the law, there were no clear provisions concerning direct or indirect discrimination. The issue of equality between men and women was addressed in Law No. 303/2004, which required judges and prosecutors to respect the principle of equality of men and women before the law. Law No. 567/2004 imposed the same obligation on the auxiliary staff of courts. Moreover, article 21 of the Charter of Fundamental Rights of the European Union provided that any discrimination, including discrimination on the basis of sex, was prohibited.

14. **Ms. Cîrstea** (Romania) said that, through a partnership established with the Norwegian ombudsman, plans were being developed to implement a gender perspective in public policy and in spheres of activity in which it was important to respect the principle of equality between men and women. Although gender budgeting had not yet been introduced, plans to do so were being considered in partnership with NGOs. As a first step, gender budgeting was due to be applied in the area of local policymaking in the city of Iași.

15. **Ms. Drăghici** (Romania) said that the proposed amendments to Law No. 202/2002 and Law No. 217/2003 would bring about a paradigm shift in relation to discrimination, equal opportunities and domestic violence. The amendment of the former would introduce a gender perspective while the amendment of the latter would bring it into line with the Istanbul Convention. The amendments to Law No. 217/2003 would rely on two major pillars of the Constitution, articles 16 and 22, which concerned equality of rights and the right to physical and mental integrity.

16. **Ms. Cîrstea** (Romania) said that the Government would shortly be amending Law No. 202/2002, which, as a framework law, was the most important piece of legislation relating to gender equality. One of the most significant of the planned amendments would ensure that all public and publicly funded institutions appointed a gender expert, with specific functions, to be responsible for promoting a gender perspective in the institution concerned.

17. **Ms. Drăghici** (Romania) said that, at the local level, county committees for equal opportunities had been established to address cases of gender discrimination and domestic violence. A government decision had been taken to strengthen the county committees, which would be able to use budgets allocated by local authorities to identify, manage and resolve cases of gender-based discrimination and domestic violence.

18. **The Chair**, speaking as a member of the Committee, said that she would welcome further information on the timelines for the pilot programme for gender budgeting in local communities and for the amendment to Law No. 202/2002 that would establish gender

experts. Commending the State party on its recognition of the concept of intersectional discrimination, she asked for information on court cases in which the concept had been invoked and for statistics relating to that form of discrimination. Lastly, she asked the delegation to comment on reports that the Ministry of Finance had refused to provide a budget for two national programmes designed to increase collaboration between government agencies and civil society.

19. **Ms. Drăghici** (Romania) said that the adoption of the proposed amendments to Law No. 202/2002 and Law No. 217/2003 was one of the objectives set out in the governance programme for 2017-2020. As the amendments in question were a priority for the Government, it had committed to debating them by October 2017 at the latest.

20. The amendment to Law No. 202/2002 had been proposed in order to ensure that financial support for gender equality was provided by the local public authorities. Once it had been approved, the National Agency for Equal Opportunities for Women and Men would communicate the details of the organizational changes to the county councils, after which it would be possible for partnerships to be established between NGOs and local public authorities. An example of good practice in the area of partnerships was provided by an emergency shelter for women that had been established in Bucharest. It was a government-run shelter funded under an agreement with Bucharest City Hall. The Government intended to replicate that partnership elsewhere in the country.

21. **Ms. Dimitrescu** (Romania) said that institutions were empowered to punish the perpetrators of discriminatory acts. In 2016, for example, the labour inspectorate, acting in accordance with Law No. 202/2002, had conducted 21,120 inspections and issued 21 warnings and one fine. In order to ensure that employees enjoyed equal opportunities in the workplace and were aware of their rights, sanctions were imposed on employers who failed to introduce provisions against gender-based discrimination in their rules and regulations, failed to keep employees continuously informed of their right to enjoy equal opportunities and failed to apply legal provisions concerning the protection of mothers. Employees who violated the personal freedom of other employees were also punished.

22. **Ms. Petrescu** (Romania) said that the data currently available to the Ministry of Justice on cases of discrimination were not disaggregated by gender. However, plans were in place to address that shortcoming. Unfortunately, the Superior Council of the Judiciary was unable to specify the number of occasions on which judges had invoked the Convention during court proceedings.

23. **Ms. Cîrstea** (Romania) said that the gender-budgeting project would be financed under the operational programme for the development of human capital. The corresponding project file had been submitted in partnership with NGOs in the county of Iași, the implementation team had been appointed and implementation was imminent. The Government was also working with NGOs and civil society networks to propose legislative changes that would bring Law No. 202/2002 into line with the Istanbul Convention.

24. The Ministry of Defence was working on the implementation of a national plan concerning Security Council resolution 1325 (2000). The purpose of the plan was to increase the number of women assigned to peacekeeping operations outside Romania. The adoption of Law No. 53/2011 had made it mandatory for the military to participate in such operations. The Ministry of Defence also aimed to increase the number of women in both civilian and military decision-making positions and to increase interministerial cooperation and cooperation with NGOs and civil society. Plans were in place to ensure that individuals enjoyed equal opportunities and equal treatment in the workplace, received equal pay for equal work and enjoyed equal access to training, continuous education and opportunities for specialization.

25. **Ms. Drăghici** (Romania) said that the issue of cooperation with NGOs would be the key focus of the future actions of the National Agency for Equal Opportunities for Women and Men and of the Agency's efforts to achieve the specific objectives for respect and dignity for women set out in the governance programme. For that reason, the Government had launched "Open Doors Week", during which one-to-one talks had been held with each of the representatives of the NGOs working in the fields identified in the Agency's mandate.

with a view to finding out more about the NGOs' work and identifying possible areas for cooperation.

26. **Ms. Cîrstea** (Romania) said that, in accordance with the legal framework on the funding of NGOs, organizations that received funding had to be legal entities and accredited providers of social services. Chapter 8 of the governance programme, on social services, set out plans to reform the legislation on cooperation with private suppliers of social services and public-private partnerships and to regulate the funding of private social service providers.

27. **Ms. Hofmeister** said that, although an independent judicial system was well established in Romania, access to justice for women and girls, particularly in remote and rural areas, was often possible only with the assistance of NGOs. Although the State party had established a legal aid system, few cases of domestic violence were brought before the courts. Protection orders were a useful tool against such violence but there was little coordination between the courts and the police authorities to prevent further violence. Therefore, the victims of domestic violence could also be seen as victims of structural violence committed by the State. Mechanisms for the advancement of women's rights appeared to function well but had been short of funding since the onset of the global recession almost a decade earlier. In 2015, the Committee had attempted to address that issue with its general recommendation No. 33 on women's access to justice.

28. She asked why the budget allocated to legal aid was so limited, whether NGOs were financially supported by the State, whether the Government intended to extend the provisions against domestic violence to cover male victims of such violence, what support was given to mothers when the father of their children was forced to leave the family home as a result of a protection order and whether the police would be empowered to remove violent perpetrators without, or prior to, the involvement of the courts. She would welcome information on the role played by NGOs in combating violence against women and on the collaboration between NGOs, the police and the courts.

29. **Ms. Petrescu** (Romania) said that access to justice was guaranteed under article 21 of the Constitution. In civil matters, legislation existed to ensure that anyone whose rights had been violated could bring a case before the courts. The Code of Civil Procedure ensured that the parties in civil trials enjoyed equal access to justice and established that discrimination was a violation of fundamental human rights. Under the Criminal Code, any individual who had been subjected to discrimination could file a petition with the prosecution service and bring a case before the courts. Acts carried out by civil servants to prevent victims from obtaining access to justice were criminalized and gender-based discrimination was considered to be an aggravating circumstance in relation to certain offences. Discrimination was prohibited under article 10 of the Criminal Code and amendments had been made to the Code to prohibit domestic violence and ensure that a gender perspective was taken into account in cases involving crimes against humanity.

30. **Mr. Petrescu** (Romania) said that the modus operandi adopted by the police when confronted with cases of domestic violence was regulated internally. Police officers were empowered to verify compliance with protection orders and to take any measures necessary to ensure compliance. The police had proposed amending Law No. 217/2003 on preventing and combating family violence to prohibit the withdrawal of complaints by victims of domestic violence, as the withdrawal of a complaint seriously hampered the ability of the police to take action against perpetrators. It remained to be seen whether that proposal would be taken up.

31. **Ms. Cîrstea** (Romania) said that, in Romania, protection orders were regulated by Law No. 351/2015, which amended Law No. 217/2003 to introduce the requirement for requests for protection orders to be examined urgently and for a decision to be taken within 72 hours of the request being submitted. Protection orders therefore provided victims of domestic violence with adequate but not necessarily immediate protection as, although perpetrators of domestic violence were subject to temporary eviction, it could take up to 72 hours for the necessary protection order to be issued. While emergency protection orders did not exist per se, the possibility of a protection order being issued urgently was provided for in Law No. 351/2015. Emergency protection orders were also mentioned in the bill to

amend and supplement Law No. 217/2003 as part of the legislative package developed to give effect to the provisions of the Istanbul Convention. Romania intended to follow the Austrian model of intervention in cases of domestic violence whereby perpetrators of domestic violence were evicted from the family home with immediate effect.

32. **Ms. Petrescu** (Romania) said that, until 2013, the Ministry of Justice had classed cases involving the issuance of protection orders as a form of family dispute and not as cases in their own right. Although the country's domestic legal framework already reflected the majority of the provisions of the Istanbul Convention, there was still a need to incorporate new provisions on forced marriage and female genital mutilation.

33. **Ms. Hofmeister** said that gender quotas were an essential tool for achieving women's full and equal participation in all sectors of society and their equitable representation in the public and political life of the country. Although the statistics provided by the State party were not comprehensive, it appeared that gender parity in representation had not yet been achieved in any area of public or political life. While she welcomed the affirmative action taken by the State party to guarantee Roma students equal access to higher education, she would be interested to know whether that affirmative action included a gender dimension. It would be useful to learn more about the obstacles preventing the achievement of gender parity at the senior management and decision-making levels in small and medium-sized enterprises and in the companies listed on the Romanian stock exchange. She asked how many of the Roma students who had gained admission to a higher education establishment as a result of the affirmative action taken by the State party were female and what stage had been reached in the discussions on the proposed 30 per cent gender quota for legislative bodies.

34. **Ms. Dimitrescu** (Romania) said that there were currently two bills proposing a compulsory 30 per cent quota for the representation of men and women in legislative bodies before the Chamber of Deputies, having already been passed by the Senate. Law No. 202/2002 on equal opportunities and treatment for women and men required political parties to incorporate affirmative action for the underrepresented sex in their statutes and internal regulations so as to ensure gender balance among the candidates put forward for local and general elections and elections to the European Parliament. The aforementioned legislative initiatives were evidence of the Government's commitment to remedying the disparity between male and female representation in the country's political institutions. The National Agency for Equal Opportunities for Women and Men assisted in those efforts by collecting statistical data on the number of women occupying managerial or decision-making posts, or elected positions in legislative bodies. It was an undeniable fact that women were seriously underrepresented on the boards of Romanian companies. The percentage of women occupying board positions in Romania stood at 10 per cent, which was well below the European average of 24 per cent. In order to remedy that situation, the Government planned to incorporate provisions designed to increase women's representation on the boards of companies into corporate governance guidelines.

35. **Ms. Drăghici** (Romania) said that, during the 2012-2016 electoral cycle, there had been a significant improvement in women's representation at both the parliamentary and local levels. In addition to the near doubling of the number of women parliamentarians since 2012, the number of women serving on county councils had doubled, while the number of women serving on local councils had tripled. Furthermore, in 2016, Gabriela Firea had been elected the first female Mayor of Bucharest. She was committed to working with the National Agency for Equal Opportunities for Women and Men to promote women's empowerment and representation in managerial and decision-making positions within the local public administration. Although the 30 per cent gender quota for legislative bodies had not yet become law, it had been applied by at least one political party, which was evidence of a change in mindset among Romanian politicians. In the country's recently formed Government, 9 out of 27 ministers were women, 2 of whom occupied senior leadership positions.

36. **Ms. Cîrstea** (Romania) said that some 550 places in higher education establishments had been awarded to Roma students as a result of the affirmative action taken by the Government and that 65 per cent of those places had been taken up by women. Of some 990 Roma school mediators pursuing ongoing training with the Ministry of

National Education, 60 to 67 per cent were women. Of the 7,000 persons enrolled in the "Second Chance" programme, which targeted young people and adults who had not completed their compulsory education, 60 per cent were Roma and of those 60 per cent, 45 per cent were women.

37. **Ms. Petrescu** (Romania) said that there were no barriers preventing women from pursuing a career in the judiciary, as confirmed by their high level of participation in the competitions for judges and prosecutors organized by the National Institute of the Judiciary. Of the 1,220 managerial positions in the judiciary, some 690 were held by women. According to data collected by the European Commission, the number of female judges sitting in ordinary courts and tribunals and in the high court had risen in recent years and was set to either remain steady or increase further.

38. **Mr. Filip** (Romania) said that gender parity had all but been achieved at the decision-making level in the Ministry of Foreign Affairs, as women occupied just under half the decision-making posts.

39. **The Chair**, speaking in her capacity as an expert, said that, in her experience, a quota of only 30 per cent for each gender on party lists, while laudable, was not sufficient to guarantee equal representation in legislative bodies once elections had taken place. She asked whether the State party had considered adopting the "zipper system", whereby male and female candidates appeared alternately on party lists.

40. **Ms. Dimitrescu** (Romania) said that the two bills before the Chamber of Deputies were proposing a compulsory quota of *at least* 30 per cent for each gender on party lists with a view to reaching gender parity over time. It was the Government's intention for the fulfilment of that quota to become a condition for the validation of electoral lists. The Central Election Bureau wished to incorporate gender equality provisions into its statutes, including a gender quota of at least 30 per cent for all candidate lists to ensure a balanced representation of men and women. It was hoped that all Romanian political parties would follow suit.

41. **Ms. Drăghici** (Romania) said that it was important to specify whether the 30 per cent gender quota was for electoral lists or for the elected positions available in legislative bodies as, during the 2016 election, some political parties had set and subsequently failed to meet a voluntary 40 per cent gender quota on account of it having applied only to their list of candidates. The formalization and correct application of the 30 per cent gender quota would undoubtedly help to achieve more equal representation in legislative bodies.

42. **Ms. Nadaraia** said that gender roles and stereotypes remained an integral part of Romanian culture, both in the public and private spheres, and were reinforced by the Orthodox Church, which wielded significant political influence and played a key role in shaping attitudes and contributing to the establishment of conservative patriarchal norms, especially in rural areas. A recent study on the linkages between religion and social norms showed that the Orthodox Church had brought its influence to bear to support a constitutional amendment that would redefine the foundation of the family as the consensual marriage between a man and woman only, thus excluding single parents and same-sex couples from that definition. She asked whether the State party had attempted to promote dialogue and cooperation with the Orthodox Church as part of its broader efforts to combat stereotypes regarding the role and responsibilities of women in Romanian society, to eliminate violence against women and to promote their sexual and reproductive health.

43. The Committee was concerned about the negative portrayal of women and girls, especially those from the Roma community, in the Romanian mass media and advertising companies. She asked what steps the State party had taken to involve the Romanian mass media in implementing the Convention and promoting the status of women in society. Outdated school textbooks and the absence of gender equality education also played a role in perpetuating negative stereotypes of Roma women. The Committee had also received reports that politicians often engaged in hate speech against the Roma population and were to blame for the low degree of acceptance of diverse sexual orientations. She would appreciate additional information on the measures taken to address negative gender stereotypes, including awareness-raising campaigns. The State party should also step up its efforts to promote gender equality within the education system, particularly as the

Committee had been informed that school curricula did not cover human rights or gender equality issues. It was regrettable that the State party had taken only limited measures to prevent child marriage, given its impact on the school attendance rate of Roma girls and the literacy rate of Roma women. It would be useful to learn more about the outcomes of the national gender equality strategy in the field of education.

44. **Ms. Acar**, noting that the legislative package designed to give effect to the provisions of the Istanbul Convention was still before parliament, asked what was preventing its enactment and when it might enter into force. It would also be useful to hear more about the political climate surrounding the package. Given the prevalence of different forms of violence against women, including domestic violence, in Romania, she failed to understand why they were not criminalized. She asked why that was the case and whether the package covered all the provisions of the Istanbul Convention, particularly those dealing with the different forms of violence against women. A further cause for concern was the inadequate training provided to the personnel of State institutions involved in the fight against gender-based violence, including security and law enforcement officers, educators, health workers and members of the judiciary. She asked what percentage of the personnel working in those sectors had received training on how to deal with gender-based violence; whether the completion of such training was a qualifying requirement for recruitment or whether it was part of in-service training; and whether such training was compulsory and dispensed on a regular basis or optional and dispensed only sporadically.

45. She asked whether the bill to amend and supplement Law No. 217/2003, which would address, inter alia, the issue of emergency protection orders, would cover all forms of violence against women, including stalking and sexual violence, or simply domestic violence. It would also be helpful to know whether the bill would still require victims of domestic violence to provide proof of their mistreatment to obtain a protection order. The delegation might also indicate how compliance with protection orders was monitored and what action was taken when such orders were violated.

46. She had been dismayed to learn that women who were victims of domestic violence also needed to provide proof of abuse to gain admission to shelters. She asked whether that requirement was routinely enforced in practice. Moreover, she had been surprised to learn that the State party planned to build eight rehabilitation centres for perpetrators of domestic violence, while the protection services available to victims remained wholly inadequate. The delegation might comment on what could be perceived as a misplaced priority. It would also be useful to know whether shelters were accessible to all women in Romania, including women with disabilities and Roma women, and whether they were available in both urban and rural areas.

47. Lastly, she asked whether mediation services could be used in cases involving gender-based violence and, if so, whether the mediators in question received special training. Noting that the police had proposed amending Law No. 217/2003 to prohibit the withdrawal of complaints by victims of domestic violence, she asked whether the State party had considered the possibility of prosecuting cases of domestic violence ex officio in the absence of a complaint or in the event of a complaint being withdrawn.

48. **Ms. Leinarte** said that Romania continued to be a country of origin for human trafficking for the purpose of forced labour and sexual exploitation. However, the Committee had received reports that a new trend in human trafficking was emerging in the country, namely that of trafficking women with disabilities. The delegation might comment on the veracity of those reports. Recalling the plight of thousands of female farm workers in Sicily's Ragusa province who worked in conditions of forced labour and sexual exploitation, she asked the State party to describe the action taken to investigate the trafficking of women with disabilities and the outcome, if any, of the investigation. She had also been alarmed to learn that female minors accounted for up to 40 per cent of victims of sexual exploitation, which was higher than the European average. The Committee had been informed by alternative sources that police officers were often complicit in human trafficking offences and that, although human trafficking constituted a criminal offence, its characterization was such that perpetrators could incur more lenient penalties.

49. According to official data, there were some 800 women from the Philippines living in Romania. Those women often found themselves working as domestic servants in the houses of wealthy Romanians, in some cases without an employment contract, which exposed them to the risk of exploitation. She asked to what extent the rights of migrant workers were protected in Romania and what safeguards were in place to prevent them from falling victim to human traffickers.

50. Noting that prostitution did not currently constitute a criminal offence and that prostitutes were only liable to a fine under Romanian civil law, she said that it would be helpful to receive more information on the prevalence of abuse of prostitutes. The delegation might also comment on reports that law enforcement officers often refused to issue identity documents to prostitutes, thus precluding them from seeking alternative forms of employment. She asked whether it was possible for victims of trafficking to receive a temporary residence permit even if they refused to stand as witnesses in legal proceedings. Furthermore, the dearth of resources available to operationalize the recently established national referral mechanism had resulted in a lack of involvement in anti-trafficking initiatives at all levels. She asked how the State party intended to remedy that situation. A further cause for concern was the limited availability of services for victims of trafficking and the State party's reliance on NGOs to provide those persons with the necessary care and support. She was also under the impression that the anti-trafficking training dispensed to police officers, judges and labour inspectors was inadequate. The delegation should outline the State party's general approach to combating human trafficking, indicating how the fight against that phenomenon was coordinated and monitored and whether any regional cooperation agreements had been concluded.

51. **Ms. Cîrstea** (Romania) said that the National Agency for Equal Opportunities for Women and Men was holding discussions with the Ministry of Education aimed at introducing a gender perspective into school textbooks. Article 10 of the Convention and article 14 of the Istanbul Convention would be taken into account in the preparation of the new teaching materials.

52. The "START — A quality life in safety!" campaign had been conducted in numerous cities with the participation of NGOs and local stakeholders, including the police and school inspectorates, to raise awareness of gender stereotypes and violence against women. Various television debates had been broadcast to draw attention to gender-based discrimination and violence. Some national television channels had very wide coverage and were effective in raising public awareness. There were plans to make further information about gender-based discrimination and violence available to the general public and to amend the law governing audiovisual material.

53. **Ms. Drăghici** (Romania) said that 50 per cent of the Romanian population lived in rural areas and that most Roma communities lived in semi-rural or rural areas. Local public policies were in place and social workers or mediators were assigned to assist the Roma communities in accessing work and education and to address the school dropout rate among the Roma. While it was difficult for social workers to reach Roma communities, NGOs provided valuable input, such as data and other concrete measures, and were allocated funds from local budgets where possible.

54. There were no regulations or public debate on the sterilization of Roma women. The position of the National Agency for Equal Opportunities for Women and Men was firmly against the practice.

55. Legislative amendments were to be introduced on emergency protection orders. They would comply with the provisions of the Istanbul Convention and constitute the central pillar of new legislation on domestic violence. Emergency protection orders were distinct from the standard protection orders in force, which were of limited effectiveness. Effective enforcement of the orders required a high degree of coordination, including among the police and judges. To launch the application process for an emergency protection order, a complaint was submitted to the police by the victim, or by a relative or friend, through any communication channel available. The assigned police officer then assessed the severity of the domestic violence and the risk of death of the victim, based on the police officer's interpretation of the situation. Where deemed necessary, an emergency

protection order was issued and the perpetrator immediately removed from the family home. Further restrictive measures could also be imposed on the perpetrator. The police officer handling the case then submitted the assessment to the prosecutor, who referred it to the judge, who drafted a decision on the order. Police officers were being trained to conduct the assessments needed for emergency protection orders, and meetings were being held with relevant officials to explain the legislative amendments and the key role of the police in issuing those orders. It was crucial that all stakeholders were aware of the scope of violence against women in Romania; in 2016, over 10,000 women had reported domestic violence and yet the vast majority of victims did not file complaints. Many victims of domestic violence had died, despite the application of standard protection orders. Two centres had been established for perpetrators of violence who had been removed from their homes. Currently, women victims of violence were only afforded State-funded protection in shelters in their home county, but there were plans to create a network of at least 20 shelters to allow women to seek protection in counties other than their own. It was also important to provide vocational training for victims, particularly in light of the fact that many victims were financially dependent on their spouses, which often forced them to return to their partners.

56. **Ms. Munteanu** (Romania) said that the education curriculum in Romania consisted of a national common core framework and a school-specific element. Modules in the core framework covered stereotypes, civics, cultural identity, rights, discrimination and the values of an intercultural society. In lower secondary school, one of the topics was family life, which included discussions on situations of risk and prevention.

57. Policy papers prepared by the Ministry of Education in 2016 were being implemented with a view to eliminating the segregation of ethnic minority groups in schools. Impact studies had demonstrated the need for further action to combat such segregation, despite the legislation in place. Accordingly, the National Commission for Desegregation and Educational Inclusion would issue annual reports and draw up action plans to promote the concept of inclusive education. The national quality assurance agencies for education were required to develop standards relating to desegregation. In addition, a national plan had been adopted to promote desegregation, which addressed stereotypes and discrimination against the Roma and provided for teacher training on discrimination against the Roma and girls. A national strategy for combating discrimination had been drawn up by the National Council for Combating Discrimination and was due to be adopted shortly. It provided for training and set out various actions to promote equality in schools.

58. **Ms. Drăghici** (Romania) said that one Romanian woman was a member of the Women's Rights and Gender Equality Committee of the European Parliament. The Committee would be submitting a report on gender equality after its visit to the country, and its conclusions would inform the development of institutional measures to improve opportunities for women.

59. **Ms. Dimitrescu** (Romania) said that the National Strategy for Equal Opportunities for Women and Men for 2014-2017 covered the integration of a gender perspective in employment policy and awareness-raising among labour inspectors. It also addressed the work-life balance and gender-based roles in the family.

60. **Mr. Petrescu** (Romania) said that special units were in place in various institutions, including the police and the judiciary, to combat trafficking in persons. The National Agency against Trafficking in Persons coordinated all anti-trafficking efforts at the national level. The Agency's objectives included awareness-raising and combating stereotypes. A recent online campaign, for example, sought to raise men's awareness regarding the use of sex workers. Measures were in place to prevent and combat trafficking for various purposes. In 2016, over 300 sentences had been imposed on perpetrators of trafficking for the purposes of child pornography and labour or sexual exploitation. Police and magistrates were trained to combat trafficking either by their respective institutions or by the National Agency against Trafficking in Persons. Specialized police personnel received advanced training in interviewing victims of trafficking in persons. In 2016, a workshop had been led to train relevant officials, such as judges, to deal with victims claiming financial compensation for trafficking.

61. Cases of trafficking in persons with disabilities in Romania usually involved young women with psychological disabilities. Inadequate financial resources for the assistance and protection of those victims, either in special shelters or hospitals, was a cause for concern. While there was no provision for accommodating them in private hospitals, they could be treated through networks established by NGOs. While such organizations were vital to national efforts to counter trafficking, particularly in the area of victim identification, the State continued to play a major role and to provide assistance to victims. Work was being carried out in cooperation with NGOs to develop new indicators for first-response measures in trafficking situations. Prostitution was no longer subject to criminal penalties but was still regarded as an offence and subject to a fine. Labour inspectors in general had not received training in trafficking in persons as that was not the focus of their mandate.

62. **Ms. Drăghici** (Romania) said that the Orthodox Church was a pillar of society in Romania and the majority of the population self-identified as Orthodox Christians. A number of other religions were also recognized in the Constitution. The Church offered support to many communities, particularly vulnerable groups in rural areas. Certain churches provided after-school care, including meals, for vulnerable groups of children, and shelters had been established by churches acting collectively.

The meeting rose at 1 p.m.

08-17-11496

United Nations CEDAW/C/SR.1507

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
13 July 2017

English only

Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1507th meeting
Held at the Palais des Nations, Geneva, on Thursday, 6 July 2017, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Romania (*continued*)

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GE.17-11494 (E) 130717 130717

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined seventh and eighth periodic reports of Romania (*continued*) (CEDAW/C/ROU/7-8; CEDAW/C/ROU/QPR/7-8)

Articles 1 to 6 (*continued*)

1. *At the invitation of the Chair, the delegation of Romania took places at the Committee table.*

2. **Ms. Acar** asked what the time frame was for the adoption of legislation to transpose the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) into domestic law, whether the legislation covered all forms of gender-based violence, whether mediation was used in cases of gender-based violence, and whether women were required to provide proof of abuse in order to be admitted to shelters. She would appreciate information on training on gender-based violence for police officers and other professionals.

3. **Ms. Halperin-Kaddari** noted the severe shortage of shelters in Romania for victims of domestic violence. She wished to know whether unmarried women living with partners could be granted protection orders, whether orders could be issued in emergencies and whether the revision of the risk assessment process for police officers would reduce the average time taken to issue an order. She would welcome information on the status of legislation to categorize certain harmful practices, including forced marriage and female genital mutilation, as forms of gender-based violence.

4. **Ms. Hofmeister**, noting that the names of witnesses in domestic violence cases had been published online, requested information on witness protection procedures. She would also appreciate information on police officers who collaborated in trafficking in persons.

5. **Ms. Drăghici** (Romania) said that the amendments to legislation on equal opportunities and gender-based violence would be voted on in October 2017. The National Agency for Equal Opportunities for Women and Men was discussing the application of the legislation with the relevant stakeholders, and had planned additional debates with police officers, judges, NGO representatives and employees of the Ministry of the Interior. With funding from the European Union, the Agency had also provided training on equal opportunities to over 1,200 experts from various fields. In addition, legislation had been introduced to criminalize all forms of abuse, including physical and sexual abuse.

6. As ordinary protection orders could take several weeks to issue, the introduction of emergency protection orders would allow police officers to take immediate measures to protect victims of domestic violence, once the risk assessment forms had been completed. They would also enable police officers to evict aggressors, so that victims were able to remain in their own homes while receiving advice and protection from dedicated teams. The identity of victims was protected.

7. **Ms. Cîrstea** (Romania) said that, in compliance with civil procedural rules, the personal data of witnesses, parties, plaintiffs and defendants was made available on court websites.

8. **Mr. Petrescu** (Romania) said that the amended Criminal Code had introduced two new categories of witness: the witness under threat and the protected witness. Under the country's witness protection programme, the whereabouts of the witness were kept secret. Information on victims could be classified if they or the prosecutor requested it. That procedure was widely used in cases of trafficking in persons.

9. **Ms. Drăghici** (Romania) said that the Government had committed to building 20 additional shelters for the victims of domestic violence. While existing shelters operated as emergency accommodation, the new shelters would form a network of protected housing that would allow women to transfer to shelters in different provinces in order to access training or employment. New legislation was to be enacted to govern the network, and it

was hoped that the relevant NGOs would be involved in the process. The eight regions of Romania would each host a rehabilitation centre for perpetrators of domestic victims of violence and centres for rape victims in suitable hospitals.

10. **Ms. Petrescu** (Romania) said that the Criminal Code provided for the monitoring, accompaniment and protection of witnesses. Moreover, the Ministry of Justice intended to introduce legislation criminalizing forced marriage and female genital mutilation. With funding from Norway, the Ministry had carried out projects to provide services for victims of gender-based violence and training for specialists in the field. Judges, prosecutors and police officers had also received ongoing training in seminars organized by the National Magistracy Institute.

Articles 7 to 9

11. **Ms. Hofmeister**, noting the low percentage of women in parliament, government, the diplomatic service and the judiciary, asked what steps had been taken to raise awareness of women's participation in public life. She would appreciate information on the numbers of female diplomats and ambassadors, and on training programmes for female leaders. She also wished to know how female human rights defenders, activists and NGO employees were treated in Romania.

12. **Ms. Dimitrescu** (Romania) said that quotas had been proposed to ensure that 30 per cent of election candidates were female, and to increase the number of women on boards of directors. Discussions on the matter had been held with the Bucharest stock exchange. Female representation in local and central administration had improved, although men continued to occupy the majority of posts.

13. **Ms. Drăghici** (Romania) said that the increase in the percentage of women elected to parliament between 2012 and 2016, from 12 to 21 per cent, had been achieved without regulations on female electoral candidates, indicating a positive change in the national mindset.

14. **Ms. Cîrstea** (Romania) said that, in cooperation with the UN-Women HeForShe campaign, leadership programmes had been organized to involve young people in public life. Romanian women held leadership positions in embassies, consulates general and special missions, although a gender gap remained.

Articles 10 to 14

15. **Ms. Hayashi** said that a holistic approach should be adopted to eliminate intersecting forms of discrimination in education and to improve participation in education among vulnerable groups, including children from poor families, Roma children and children with disabilities. She would welcome disaggregated data to explain the discrepancy in access to education between children in urban and rural areas, despite legislation prohibiting discrimination on the grounds of place of birth or residence.

16. In view of the high percentage of early school-leavers in Romania, she would welcome information on the secondary school dropout rate, as well as on measures taken to reduce the dropout rate among girls, particularly those from vulnerable groups. She asked what measures were in place to encourage women to study science and mathematics and ensure that women's employment reflected their academic achievement. She also requested information on strategies to increase awareness of gender equality among teachers and to amend textbooks containing gender stereotypes or insufficient information on women from ethnic minorities.

17. **Ms. Hofmeister**, noting that Romania did not fulfil its legal requirement to ensure equal pay for equal work, requested information on women's attitudes to salary discrepancies. As the percentage of women in decision-making positions remained low and women continued to perform the majority of domestic duties, she asked what was being done to ensure that men and women were able to balance work and family life. She also wished to know what measures were in place to prevent harassment and discrimination against women in the workplace. In addition, she would welcome information on the "Second Chance" programme.

18. **Ms. Verges** said that the State party's falling rate of contraception usage and high rates of abortion, teenage pregnancy and maternal mortality were of concern. She would like some information on the implementation of programmes to improve maternal health and facilitate access to health care for women and girls, particularly those living on the street. She would also like to know what steps had been taken to promote reproductive health and boost efforts to prevent the spread of HIV/AIDS.

19. Access to health care and health insurance remained difficult for vulnerable groups such as Roma women, women in rural areas and women with HIV/AIDS. She would welcome statistics on access to basic health care and health insurance.

20. **Ms. Munteanu** (Romania) said that the gender disparity indicators were in fact in favour of girls. The indicators had been monitored and assessed in the national report on the status of pre-university and tertiary education. The development of the indicators was followed closely and compared at five-year intervals. There were no issues concerning the representation of women among teaching staff, since women held positions at all levels, including as school inspectors. Recent statistics had found that 50 per cent of staff in tertiary education were women. Nonetheless, there were gender disparities at management level; that fact was part of the reality of life in Romania and was not due to discrimination or women failing to present themselves as candidates for such positions.

21. The school dropout rate was high compared to other European Union member States. The Ministry of Education, with funding from the European Social Fund, had drafted a national strategy to reduce the school dropout rate, which had been implemented over the previous two years and had yielded positive results. Education-related problems among vulnerable groups, including the Roma community, residents of rural areas and children with disabilities, were due to a range of issues at the national level, rather than a lack of initiatives. Other measures taken as part of the Government's education strategy included a revision of the preschool education framework to make school more interesting for children; the "Second Chance" programme to provide education to those who had not completed primary or secondary education; afterschool activities; and the "Milk and Croissant" programme. A new curriculum, approved in 2016, addressed the issue of segregation and took the interests of Roma communities into account. The curriculum was currently being implemented.

22. **Ms. Vlad** (Romania) said that since 2010, an allowance programme had been in place for low-income families to encourage school attendance and reduce the dropout rate. The amount of the allowance decreased when children failed to attend school.

23. Law No. 76/2002 contained anti-discrimination provisions in the area of employment, thus ensuring equal opportunities for all. Measures were in place to create jobs and increase employment opportunities, as well as to assist young people in joining the labour market.

24. **Ms. Nemeş** (Romania) said that, with regard to concrete measures to help balance work and family life, an amendment to the law on social assistance was currently awaiting the approval of various government ministries. Under the amendment, social welfare benefits would be granted to dependent elderly persons to enable them to pay their carer, in recognition of the fact that women traditionally cared for older persons and children, which affected women's ability to enter the labour market. In addition, nurseries had been established as part of the public services provided at community level, with funding from local councils.

25. **Ms. Drăghici** (Romania) said that there were also early education centres designed to enable mothers to re-enter the labour market. In order to place their child in such centres, mothers had to provide proof, within six months, that they had returned to work. There were 14 such centres in Bucharest; they had been built with European funds and were run by the municipal authorities. The initiative would ultimately be rolled out at national level.

26. Entitlement to health care was guaranteed under the Constitution. However, the decreasing birth rate over the preceding 10 years and increasing life expectancy had resulted in an ageing population, posing challenges for the health-care system and access to it. Another category of services thus needed to be provided for elderly persons. Romania

had the highest incidence of cervical cancer in Europe and breast cancer was the second most common cause of death. The Government had introduced an ambitious national health-care strategy, part of which was designed to change attitudes towards female patients. National screening programmes for cervical and breast cancer had been developed, whereby women had to undergo Pap smears and mammograms once a year. Perinatal, neonatal and maternal mortality indicators were alarming; the Government had therefore introduced a programme to screen pregnant women for health issues affecting newborns, given the prevalence of Down, Edward and Patau syndromes, which had previously not been covered by the health budget. Women were also encouraged to undertake DNA tests through amniocentesis to check for abnormalities. The provision of 3,000 fully equipped ambulances to communities in remote areas would improve pregnant women's access to health care, which was particularly difficult in winter. In 2011, 70 hospitals had been closed without a prior assessment of the impact on remote communities.

27. **Ms. Petrescu** (Romania) said that men and women were able to sit exams for the magistracy under conditions of transparency and equality, in accordance with Law 303/2004 on the statute of judges and prosecutors. There was no wage discrimination against female judges or prosecutors. Sexual harassment and abuse were defined as offences in the Criminal Code; sentences of between three months and seven years in prison, as well as disqualification from public service, were applicable to such offences.

28. **Ms. Song**, noting the importance of poverty reduction and the economic empowerment of women in ensuring the prosperity and well-being of all persons, said that she commended the State party's efforts in that regard, notably the National Strategy for Poverty Reduction for 2015-2020. With regard to water supply in rural areas, she wondered whether the State party had held discussions with civil society, and local women in particular, when developing the relevant programme. Had women's needs and aspirations been fully considered in the programme? She also wished to know what percentage of women in rural areas had access to safe drinking water. Given that, according to alternative sources, extreme poverty affected a significant proportion of the Romanian female population, she wished to hear what strategies the country had taken to combat poverty among women, and asked what financial credit was available to women for entrepreneurship or income-generating activities. Furthermore, she would welcome comments on reports from alternative sources that the allocation criteria for State family allowances had a disproportionately negative impact on women and female-headed households, putting them at risk of poverty.

29. **Ms. Acosta Vargas** said the fact that many Romanians lived in rural areas gave the State party the opportunity to show its commitment to complying with the 2030 Agenda for Sustainable Development. The Committee was aware that many health services in rural areas had been privatized, and she would like to know whether that was also true of gynaecological services. Given that, according to alternative sources, there were no public day-care services for children, she wondered how mothers in rural areas were able to work. Were there specific policies to encourage the participation of women in the labour market?

30. Noting that access to and control of land were essential in raising the living standards of women in rural areas and guaranteeing their participation in rural development, she wished to know what financial programmes existed to facilitate women's access to land. What percentage of women owned land? What forms of contract governed land use? She also wished to know whether there were programmes to introduce technologies to increase the profitability of rural women's activities. Furthermore, she asked whether there were any specific women's organizations in rural areas that worked with the State to enhance the living conditions of rural women.

31. Acknowledging the progress that had been made in terms of policies for Roma women and girls, she said that it would be useful to hear the opinions of Roma women themselves on the implementation of such policies. Were there consultation mechanisms? She wished to know whether hostile incidents and discourse directed at the Roma community had ceased. Alternative sources claimed that a high percentage of Roma women did not have identity documents, which limited their access to health care, education and justice, and caused difficulties when they tried to register the births of their children. What measures had been taken to address such a serious violation of Roma women's rights?

32. In view of the serious allegations concerning the forced institutionalization of persons with mental disabilities, as reported by the Committee against Torture in 2015 (CAT/C/ROU/CO/2), she wished to know whether any investigations had been conducted or any legal proceedings brought against the perpetrators of those rights violations. She also wished to know whether any penalties had been imposed on the perpetrators and whether any reparations had been made following inhumane treatment on psychiatric wards, which on numerous occasions had led to the death of patients.

33. While welcoming the bill on social assistance for those who looked after the elderly, she said that further information on the current policy to recognize the unpaid work of women who looked after the older population would be helpful.

34. **Ms. Vlad** (Romania) said that the welfare system was well developed and the right to social assistance was guaranteed under Law 292/2011 to all those in, or at risk of, poverty or social exclusion. The coverage provided included a social allowance, a family allowance and a heating allowance. Entitlements were calculated on the basis of the difference between net income and the minimum net income as stipulated by law. Benefits such as the child-raising allowance were available to working mothers or fathers who took maternity or paternity leave for up to two years, or three years if the child had disabilities, on condition that the parents had worked for 12 months in the two years before the birth of the child. The benefits amounted to 85 per cent of the average net income over the preceding 12 months. A monetary incentive was available to mothers of children under 3 years of age who returned to work 60 days before the end of maternity leave. Further measures were under consideration to support families with children and achieve a balance between work and family life.

35. **Ms. Nemeș** (Romania) said that the Government had three instruments for promoting social inclusion and reducing poverty, namely the National Strategy for Poverty Reduction for 2015-2020; the governance programme, which was aimed at vulnerable groups in particular; and a joint order of the Ministry of Health, the Ministry of Education and the Ministry of Labour. The strategy for social inclusion set out measures for various specific categories of vulnerable people, since certain regions were disproportionately affected by poverty, most notably rural areas. A project currently under development was aimed at integrating social services in marginalized communities and deploying teams of specialists in various fields, including social workers, nurses and school councillors, to improve access to primary services by vulnerable groups.

36. **Ms. Drăghici** (Romania) said that 20,000 social sector professionals would receive training on social protection as part of the aforementioned project.

37. **Ms. Petrescu** (Romania) said that the law did not discriminate between men and women in terms of ownership or purchase of land or real estate. Women in rural areas were fully entitled to access the justice system at any time.

38. **Ms. Șoavă** (Romania) said that since 2009 the Ministry of Business, Commerce and Entrepreneurship had implemented the "Woman Manager" entrepreneurship programme, which provided finance for women to attend workshops and to set up companies. The Ministry also funded a programme to improve companies' economic and technical performance, with the participation of 1,400 small and medium-sized enterprises (SMEs), leading to the creation of 3,400 jobs of which 1,800 were held by women. Another programme promoted the establishment of SMEs by first-time entrepreneurs, resulting in the creation of 2,550 companies and over 9,000 jobs, including more than 6,000 held by women. The Ministry had also launched perhaps its most ambitious financing initiative in 25 years, which aimed to provide a €44,000 grant to 10,000 new companies, potentially creating 10,000 jobs, of which half would be held by women.

39. **Ms. Drăghici** (Romania) said that public gynaecology services were adequately equipped and staffed, although the public health system as a whole had been weakened by the departure of 20,000 physicians to other European Union countries following the accession of Romania to the bloc. Low pay in the public health system had been a contributing factor in that trend, which represented a significant loss of financial and human capital for the country. Nevertheless, free gynaecological and obstetric services remained

available for women, while a programme was under way to modernize maternity hospitals in all counties.

40. **Ms. Şoavă** (Romania) said that the Ministry of Business, Commerce and Entrepreneurship was grateful to the Government of Switzerland for its cooperation in implementing the Romanian-Swiss Programme for SMEs, whereby soft loans were provided to support the development of businesses operating in the health, tourism, commerce and manufacturing sectors. Concerning rural women, the Ministry of Agriculture and Rural Development had established two lines of financing which had awarded credit to more than 900 small farming projects with 3,000 beneficiaries — including 145 women — in keeping with the Government's decision to develop SMEs through the provision of entrepreneurial support and funding for women, persons with disabilities and other disadvantaged groups. Meanwhile, the Ministry of Regional Development and Public Administration had implemented over 8,500 integrated projects in conjunction with local authorities to improve water, sewerage and other infrastructure and thus address the vulnerabilities of the rural population in terms of access to clean drinking water.

41. **Ms. Acosta Vargas** said that she would appreciate clarification concerning the measures taken to address Roma women's lack of identity documents, which hindered their access to basic services and the justice system. The delegation should also comment on cases in which the rights of persons with disabilities had been violated as a result of their forced confinement in closed centres. Had any investigations been conducted into those centres, where some residents had reportedly died?

42. **Ms. Petrescu** (Romania) said that the Government recognized that the lack of identity documents was a problem, given that they were required by anyone wishing to file a complaint in the justice system. The Ministry of Foreign Affairs was responsible for issuing the documents in question. Nevertheless, all Roma women, including persons with disabilities, had the right to access to justice, while persons with intellectual impairments could do so through a legal guardian.

43. **Ms. Nemeş** (Romania) said that active social service providers were required to obtain legal accreditation proving that they complied with the relevant quality standards. One such standard aimed to prevent, identify and report cases of abuse: providers were required to follow a clear reporting procedure, taking into account the interests of beneficiaries and their legal representatives. Cases of discrimination and abuse were monitored and sanctions imposed; however, she was not aware of any violations committed against persons with disabilities in public social care centres.

44. **Ms. Verges** said she was concerned that in some areas the State party had neglected public health services while encouraging the expansion of private facilities, so that vulnerable populations were no longer covered and some women had not received care during pregnancy. She would like to know why Roma women continued to face discrimination in the area of health insurance.

45. **Ms. Drăghici** (Romania) said that, while there were some disparities between rural and urban areas, the Government aimed to develop and diversify public health-care services. Romania was a modern free-market society and private-sector health care had been evolving in a context of free competition, which was not detrimental to the public system. Free medical care was available and the right to health was guaranteed under the Constitution, while services were provided by an array of medical facilities with different specializations, levels and categories. In 2017, the Government had allocated 4 per cent of gross domestic product to health care, which included funding for the construction of a large metropolitan hospital that would provide free health care. The Government was committed to maintaining public health services on a permanent basis and was increasing salaries for all medical professionals in order to encourage practitioners working in other countries to return to Romania.

46. **Ms. Halperin-Kaddari** said she was concerned that medical practitioners often refused to provide abortion services by citing religious or conscientious objections, to the extent that procedures were not available on religious holidays. Was the Government aware of that situation and did it take steps to ensure that women in need were referred to other practitioners?

47. **Ms. Drăghici** (Romania) said that abortion was a complicated issue in Romania, where it had been banned by the communist regime until 1989. Unfortunately, some people continued to hold to the stereotypes and mindsets of that era, while information campaigns and the provision of contraceptives had proved less effective than anticipated, resulting in a large number of unwanted pregnancies and abortions. The Government was frustrated at the lack of progress but would continue its efforts in the area of sexual and reproductive health. Abortions were not available at all medical facilities, since some of them were not equipped with intensive care units to deal with surgical emergencies.

Articles 15 and 16

48. **Ms. Halperin-Kaddari** said she was concerned at reports from various sources that child marriages were taking place in Romania — and not only within the Roma community — involving a significant percentage of boys and girls under the age of 14. The problem appeared to be compounded by deficiencies in the system for the registration of marriages, which, as well as failing to prevent unofficial marriages, sometimes meant that unregistered women were unable to own land or other property. The delegation should describe what measures were being taken to tackle child marriage and unregistered marriages.

49. The Committee would be grateful for information on possible legislative measures to ensure that domestic violence against women was taken into account in divorce and child custody proceedings. Information should be provided on the financial situation of women after divorce, including measures to safeguard women's property rights under marital property systems, which the State party had not provided. The delegation should also comment on an alarming report that Romanian bar associations prohibited pro bono work.

50. **Ms. Petrescu** (Romania) said that the Government did not recognize the data concerning child marriages, which could not be officially recorded because they were illegal. The Civil Code clearly stated that the minimum age for marriage was 18 years, although young people aged 16 and 17 could marry with parental consent or a court dispensation. Concerning divorce and custody proceedings, Romanian legislation established that divorces could be recorded before a notary public or at the civil hall; custody of children could be agreed before a notary public. In contested proceedings, judges considered the timing of the separation and whether or not a protection order had been granted in favour of the female partner. An ordinance had been issued which allowed courts to entrust children to the care of the mother in the event of domestic violence. The Civil Code provided guarantees whereby a divorced woman with custody of a child would receive monthly child support equivalent to one quarter of the ex-husband's salary. The delegation did not have any information to the effect that pro bono services had been prohibited; in that regard, Government Emergency Ordinance No. 51/2008 on public legal aid in civil matters established the conditions and prerequisites for legal assistance and stipulated that the Ministry of Justice would reimburse bar associations with the amounts corresponding to the provision of free legal assistance.

51. **Ms. Dimitrescu** (Romania) said that women victims of domestic violence received psychological counselling to help them return to the labour market and regain their financial autonomy. Concerning the rights of the lesbian, gay, bisexual, transsexual and intersex (LGBTI) community, the Civil Code prohibited marriage and civil partnerships between persons of the same gender, but LGBTI persons and organizations were permitted to exercise the freedoms of association and expression, among other fundamental rights, under conditions of equality and without discrimination, including in the media and through national and international events.

52. **Ms. Drăghici** (Romania) said that an association of NGOs known as the Coalition for Family had gathered more than 3 million signatures in support of a proposal to enshrine the definition of marriage in the Constitution as "the exclusive union of a man and a woman". The Government had noted the strength of support for that petition and was awaiting the outcome of discussions concerning the final form of the proposed amendment before defining its position.

53. **Ms. Halperin-Kaddari** said that her question concerning the economic consequences of divorce related to the separation-of-property regime, which might have the

effect of infringing women's property rights. Specifically, she wished to know whether any mechanism was in place to grant divorced women rights to the property acquired during marriage under the husband's name, as well as accrued pension rights.

54. **Ms. Petrescu** (Romania) said that women should receive some form of divorce settlement regardless of the marital property regime. However, derogations from the Civil Code were not possible and divorced women would only receive the allowances stipulated under the chosen regime.

55. **Ms. Halperin-Kaddari** said that given the complexity of the issue, she would be grateful if information could be provided to the Committee in writing.

56. **Ms. Drăghici** (Romania) said that her delegation was grateful to the Committee for its questions, which had highlighted the difficulties facing Romania. The Government was firmly committed to improving its legislative framework in order to strengthen the role of women in society, and was certain that the recommendations emerging from the constructive dialogue with the Committee would be useful for the development of future public policies.

57. **The Chair** commended the State party for its efforts to eliminate all forms of discrimination against women, and urged it to take all necessary measures to put the Committee's recommendations into practice.

The meeting rose at 5.10 p.m.

United Nations CEDAW/C/SR.1508

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1508th meeting
Held at the Palais des Nations, Geneva, on Friday, 7 July 2017, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Costa Rica

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Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Eighth periodic report of Costa Rica (CEDAW/C/CRI/7; CEDAW/C/CRI/Q/7 and Add.1)

1. *At the invitation of the Chair, the delegation of Costa Rica took places at the Committee table.*

2. **Ms. Mora Mora** (Costa Rica), introducing the seventh periodic report of Costa Rica (CEDAW/C/CRI/7), said that the report had been drawn up in collaboration with some 30 public sector services and other State institutions, such as the judiciary, the Supreme Electoral Tribunal and the Legislative Assembly, and civil society. In Costa Rica, as elsewhere in the world, advances in the sphere of women's human rights encountered opposition from NGOs and lawmakers alike, which claimed that such advances would have a negative impact on society in general and the lives of men in particular. The Government had identified economic independence as a key aspect in the promotion of women's human rights. In becoming economically independent, women became recognized as workers who transformed society and possessed the skills required to promote national development. In that regard, the Government had made efforts to close the gender gaps in income, access to technology and employment opportunities, for example through the establishment of a satellite account for unpaid household work, a special insurance scheme for part-time domestic workers, a gender equality management system that dealt with recruitment, promotions and sexual harassment in the workplace, a system of regional and national trade fairs to support women micro-entrepreneurs and public university projects to promote the scientific careers and increase the scientific and technical skills of young women.

3. In 2016, a total of 160,336 million Costa Rican colones of credit had been made available under the development banking system, of which 25 per cent had been allocated to projects proposed by women. The financial support allocated to projects run by women had risen from 28 billion colones for 5,565 projects in 2014 to a little over 67 billion colones for 9,472 projects in 2016.

4. Costa Rica had made significant progress towards establishing the principle of equality before the law. That principle was enshrined in article 33 of the Political Constitution while the prohibition of gender-based discrimination was set forth in legal instruments such as the Labour Procedure Code. Article 1 of the Political Constitution had been amended to preserve the multi-ethnic and multicultural character of Costa Rica. During the reporting period, progress had been made in relation to a number of pieces of legislation, including the law on strengthening the legal protections afforded to girls and adolescents against abuse, the Act amending the Psychotropic Substances Act, which aimed at reducing sentences for women first-time offenders in situations of vulnerability, the law regulating the use of electronic devices as an alternative to custodial measures, the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), the Domestic Violence Act, as amended, the Criminalization of Violence against Women Act and others. Furthermore, the notion of gender equality had been taken into account in the electoral reform.

5. In Costa Rica, human rights instruments that had been ratified by the State, such as the Convention, took precedence over the national law if they enhanced the protection of human rights. The Convention had been directly applied to legislation concerning the right to political participation, including a provision on gender parity in lists of candidates, and the right to a life free of violence.

6. The most important strategy for the implementation of gender mainstreaming was the national policy for gender equity and equality, and a third action plan for its implementation had been signed by the heads of all the different branches of Government and the Supreme Electoral Tribunal. In accordance with the plan, over 26 institutions had become involved in specific actions that were intended to mainstream gender. In order to ensure the sustainability of gender mainstreaming, strategic partnerships had been established with civil society, the business sector and non-governmental organizations. The

results achieved by such partnerships included the attachment of the Women's Forum to the National Institute for Women and the establishment of agreements with the chambers of commerce, the forum for women entrepreneurs, the business association for the development of the economic independence of women and the national football union. The Bar Association provided women with legal assistance in judicial proceedings related to the application of the Criminalization of Violence against Women Act.

7. In collaboration with UN-Women, the Economic Commission for Latin America, the Inter-American Development Bank and the World Bank, the Government was making efforts to tackle the gender pay gap by promoting women's access to the banking system, providing distinct collateral guarantees and challenging gender stereotypes in the world of finance. In order to increase the participation of women in the United Nations, women had been put forward for a number of positions in that organization. Costa Rica was a member of the Group of Friends for Gender Parity, which currently counted 109 States among its members.

8. Services for women, including those provided by the National Institute for Women, were being strengthened, broadened and diversified. The Care Network had been expanded to comprise 1,157 alternative care centres providing services to 52,190 boys and girls. Educational centres were being opened in association with the "Yo me apunto (Sign me up)" project. The centres in question provided evening care to the children of students attending night school. Twelve children's centres were operating in the evening, caring for around 250 children. Some 32 additional establishments would be opened beginning in 2017. In accordance with the Bridge to Development Plan, the percentage of households headed by women living in extreme poverty had fallen by 1.6 per cent from 2015 to 2016. The Plan was aimed at a total of 54,600 families, of which 27,000 had women heads of household. The "Women Advance" programme, which was run by the National Institute for Women, sought to bring about profound changes in women's personal lives and in families and communities by addressing areas such as sexual and reproductive health and gender theory. The number of women targeted had risen from 1,300 in 2014 to 10,000 in 2017. Affirmative action was being taken to improve rural women's access to government transfers, legal title to land and credit.

9. The Information and Guidance Centre, which was run by the National Institute for Women, had expanded its services by establishing a hotline operated by a specialized staff who had answered some 5,358 calls over a 14-month period. Women seeking advice on labour legislation had benefited from a hotline established by the Ministry of Labour and Social Security, which had received 9,216 calls during the first six months of 2016.

10. The support provided to women victims of violence had been enhanced through the opening of a legal advisory service staffed by trained public defenders and psychological counsellors. From 2015 to 2016, the service had dealt with 3,275 new cases of women victims of violence and provided follow-up services to 2,027 women. Twenty new centres, which operated in conjunction with the National Institute for Women, the police and the judiciary, had been established for women facing a high risk of violence and femicide. Rapid response teams had been established to ensure that victims of sexual violence could receive prompt support. Comprehensive support services had been expanded to help victims to file criminal complaints, seek protection against domestic violence and recover maintenance.

11. The High-Level Council of the National System for the Prevention of Violence and the Support of Victims had unanimously approved the 2017-2032 national policy for the prevention of violence against women and the care of victims. In accordance with the policy, emphasis would be placed on children and adolescents, stereotypical notions of masculinity, symbolic violence, street-level harassment and the strengthening of mechanisms for the protection of women against all forms of violence, including femicide.

12. Where health was concerned, training was being provided in new areas, such as perinatal education, the treatment of pregnant women with humanity and dignity in childbirth. Following the failure by the Legislative Assembly to adopt the law on in vitro fertilization, regulations approved by the executive branch were now in force. Protocols for high- and low-complexity treatments had been drawn up and training programmes had been

initiated for first and second-level care providers. As patients seeking in vitro fertilization could now be referred directly from comprehensive basic health-care teams, they no longer needed to visit regional hospitals beforehand. In order to implement the regulations on in vitro fertilization, the Costa Rican Social Security Fund had earmarked funding for the construction of a reproductive medicine unit, at a cost of $7.6 million, which was expected to open in October 2018. In vitro fertilization was currently available in private health-care facilities. The Costa Rican Social Security Fund had issued technical guidelines for the provision of counselling and the prescription of contraceptive methods as part of the care provided to adolescents. The guidelines in question established that adolescents must undergo a comprehensive assessment by professionals in the areas of medicine, nursing, psychology and social work in order to determine whether they were at risk of becoming pregnant or contracting a sexually transmitted disease.

13. In the area of political participation, some 40 per cent of posts on the Governing Council were now occupied by women. Affirmative action had been taken to promote the rights of rural women, indigenous women, persons of African origin, women with disabilities and women who were deprived of their liberty. Strategic actions had been carried out to ensure that same-sex couples enjoyed the right to social security and that institutions provided such couples with the same benefits that were granted to heterosexual couples. A number of institutions had issued a declaration stating that they would respect and promote the rights of lesbian, gay, transgender, bisexual and intersex persons. In order to ensure recognition of the diverse nature of families, the Joint Social Assistance Institute had decided that same-sex couples should be registered as families. Individuals could now be listed on the civil register in accordance with their self-identity, and efforts had been made to ensure that lesbian, gay, transgender, bisexual and intersex (LGBTI) persons were fully integrated into the education system. Procedures governing the treatment of LGBTI persons who were deprived of their liberty were being drawn up. Furthermore, transsexual women who were living in poverty were eligible for training programmes run by the National Institute for Women. The national statistics system had adopted guidelines for the incorporation of the gender perspective into the statistics that it produced and disseminated. The judiciary had also taken steps to produce data disaggregated by gender and population group.

Articles 1 to 6

14. **Ms. Hayashi** said that she was concerned to note that the definition of discrimination against women set out in the Convention was not contained in any constitutional provision or in any other legislation. The Committee would welcome information on any plans in place to include definitions of discrimination against women and remedies for victims of discrimination in national law. Noting that Roman Catholicism was the official State religion, she would welcome the delegation's views on reports that religious fundamentalism was responsible for impeding the realization of the human rights of women, particularly with regard to the enactment of new laws on women's reproductive health rights and sexuality. She asked how the State party intended to tackle that problem and how the realization of the rights of women could be made compatible with the State religion. She asked which body was responsible for assessing the impact of laws and policies, whether the Office of the Ombudsperson had been a part of the inter-agency platform set up to draft the periodic report and whether that platform was involved in following up on concluding observations relating to the rights of women issued by other treaty bodies.

15. **Ms. Arias Madrigal** (Costa Rica) said that article 47 of the Constitution provided for the direct application of international treaties on human rights when those treaties granted more rights than were set down in the Constitution itself. In numerous areas of law, the judiciary, acting through the Constitutional Chamber and other bodies, had invoked international human rights treaties, including the Convention, in order to protect fundamental human rights. Furthermore, the national Labour Procedure Code covered gender-based discrimination.

16. **Ms. Mora Mora** (Costa Rica) said the difficulties that the Government was facing in advancing women's rights were not primarily attributable to the fact that Costa Rica was

a confessional State but rather to the resistance mounted by certain political parties opposed to that objective. Moreover, an increasing number of men's organizations were coming together to form NGOs with the intention of undermining the progress made in the field of women's rights, often by employing tactics similar to those used by women's organizations to claim them, such as marches and protests. Those organizations routinely called into question the advances made in Costa Rican case law and caused a large proportion of the population to wonder whether the progress made would be reversed.

17. **Ms. Delgado Cascante** (Costa Rica) said that the National Institute for Women served as both the national mechanism for the advancement of women and the body responsible for coordinating activities related to the implementation of the Convention, overseeing an inter-agency platform composed of some 35 institutions. The Institute had the task of securing the commitment of each institutional focal point to monitor the application of measures to implement the Convention. Each institution listed the measures that it had committed to taking in that connection in an annual workplan, which served as a monitoring tool. The content and scope of the institutional measures in question were determined ahead of time through a consultative and analytical process. Although the Institute bore overall responsibility for the implementation of the Convention, all the institutions making up the inter-agency platform had each made an individual commitment to do so. The Institute had succeeded in convincing the different institutions to treat measures to implement the Convention as a priority and not as a subsidiary responsibility. It also employed a specialist in each of the main areas covered by the Convention who could provide institutional focal points with guidance, as required.

18. **Ms. Hayashi** said that the State party was to be commended on having established the Observatory on Gender-Based Violence against Women and Access to Justice in 2015. She asked whether minority women and women with disabilities could access the information published by the Observatory in their own language or in an accessible format. She noted with interest the explanation provided by the head of delegation about the role of men's organizations in hampering the advancement of women's rights, as a similar trend was beginning to emerge in her own country, Japan.

19. **Ms. Halperin-Kaddari** said that she welcomed the candour displayed by the head of delegation in explaining how hostile political parties and aggressive men's organizations posed a threat to women's rights, which was part of a global backlash against the progress made in that field in previous decades. The National Institute for Women should continue to raise awareness of that threat and join forces with other institutions with a view to providing an effective response to it. While it was perhaps not the case in Costa Rica, in her experience, conservative religious groups, even if they did not have formal standing, were often behind attempts to curtail women's rights.

20. **Ms. Haidar** said the fact that worship-related matters fell within the remit of Ministry of Foreign Affairs only served to underscore the centrality of faith in Costa Rican society. The State party should make use of the latest tools and resources to promote a better understanding of the relationship between faith and the realization of human rights, such as the Beirut Declaration on Faith for Rights, as a means of forestalling conflicts between the two.

21. **Ms. Arocha Dominguez** said that, on occasion, the ambiguity of the information contained in the State party's report on the obstacles to the advancement of women's rights had led the Committee to rely on information provided by alternative sources. She understood that little or no progress had been made in guaranteeing women the full range of sexual and reproductive rights enshrined in the Convention owing to the polarization of the issue in Costa Rican society and in the parliament. The role of religious conservatism in impeding the advancement of the women's rights agenda in Costa Rica should not be downplayed. She asked what measures the State party envisaged taking to overcome those obstacles, further that agenda and prevent any loss of women's rights. Given that the Constitution now recognized the multicultural and multi-ethnic nature of the country's population, it would be useful to know how the State party planned to reflect that reality in existing policies with a view to eradicating the multiple discrimination suffered by certain groups of women.

22. **Ms. Manalo** said it was her understanding that, in Costa Rica, international treaties prevailed over the Constitution and domestic laws. Therefore, as the State party had ratified the Convention, it was required to take steps to bring its Constitution and domestic laws into conformity with its provisions. Although the State party had made some progress in that regard, she found it regrettable that it had still not adopted a definition of discrimination against women encompassing direct and indirect discrimination, in line with article 1 of the Convention. Moreover, the lack of separation of Church and State, coupled with the continued prevalence of machismo in Costa Rican society, only served to hinder the full implementation of the Convention. She asked how the State party planned to overcome those obstacles to give full effect to all of the treaty's provisions and to guarantee women the full range of rights enshrined in it.

23. **Ms. Arias Madrigal** (Costa Rica) said that the purpose of the Observatory on Gender-Based Violence against Women and Access to Justice, which was an ongoing project of the gender secretariat of the judiciary, was to provide women, professionals and the media with the latest information on the various forms of violence faced by women and on the actions, programmes and resources that the judiciary had at its disposal to assist them. Further information was available at: www.poder-judicial.go.cr/observatoriodegenero. The section of the website entitled "Soy mujer y busco" (I'm a woman and I'm looking) listed the offices that women could contact in each province of the country and provided accessible information on women's fundamental rights and different types of gender-based violence. The Government acknowledged that it needed to take better account of the needs of women from different cultural and ethnic backgrounds in the years to come. It had begun that process by setting up a number of community-based focus groups in order to gain a clearer idea of the steps that it needed to take to achieve that end. However, the immediate priority was to equip all women with a sound knowledge of their rights and how they should claim them before the judicial authorities.

24. **Ms. Mora Mora** (Costa Rica) said that it was only right for the delegation to speak frankly about the obstacles impeding the advancement of the women's rights agenda in Costa Rica, which appeared to be part of a larger global trend. It was important for the Committee to be apprised of developments in the situation of women's rights so that its concluding observations and recommendations reflected the reality on the ground. Machismo continued to constitute a serious structural problem in Costa Rican society, with new forms of the phenomenon having emerged in recent years, thus necessitating the adoption of new strategic measures to combat them. The National Institute for Women attached great importance to strengthening existing and forging new partnerships, as it was well aware that it could not successfully respond to such new threats to women's rights alone. The Institute had staged interventions in male-dominated environments, such as football matches, which were a breeding ground for sexual harassment and gender-based violence, in the hope of having a positive impact. It had also sought to form partnerships with NGOs and the business sector.

25. The existence of genuine political will at the highest level was also a prerequisite for advancing the women's rights agenda. The systematic involvement of women in high-level policymaking would guarantee the inclusion of a gender perspective and give greater prominence to women's rights. It was important to emphasize that the Institute was not the sole guardian of women's rights; rather they were everyone's concern. The third Plan of Action of the National Policy on Gender Equality and Equity had been signed by the heads of the different branches of government, thus creating a sense of State ownership.

26. The Institute was also working with men to deconstruct and revise the concept of masculinity and endeavouring to involve them in women's empowerment activities. Although providing public officials with continuous training was costly, it was important to inculcate in them the values of gender equality. The Institute was in the process of finalizing a bill to strengthen the links between the different gender equality mechanisms operating at the national and local levels and the different women's rights networks with the aim of promoting a more holistic view of the national gender equality machinery.

27. The Institute also recognized the need to strengthen partnerships and to share good practices with other countries in the region. However, the resistance mounted by certain political parties, men's associations and NGOs was such that the Institute had judged

holding a dialogue with those groups to be impossible. She was in favour of the Institute's Executive President being appointed by the President and promoted to the rank of Minister for the Status of Women and Equality, as being a member of the Government Council would provide him or her with an overview of the situation throughout the country. The Institute had also devoted more resources to conducting research in the form of perception surveys in order to gain a better understanding of public opinion and to collecting data as evidence of the situation of women on the ground.

28. **Ms. Rana** said that the State party was to be congratulated on the numerous initiatives that it had undertaken to promote gender equality and to prevent and eradicate gender-based violence, such as the National Plan for the Care and Prevention of Domestic Violence, the National Policy on Gender Equality and Equity, the establishment of local committees to provide immediate care in cases of high risk of violence against women, the introduction of a unified system of statistics on gender violence and the adoption of a comprehensive migration policy. However, the Committee had been informed by alternative sources that many such initiatives existed only in name, were not allocated sufficient resources or failed to have any real impact. The National Institute for Women, in particular, was reported to face immense challenges in directing and coordinating the work of various entities. Moreover, the Municipal Offices for Women's Affairs, which served as gender equality mechanisms at the local level, allegedly lacked authority and a robust structure. Regrettably, a recent decision to broaden their mandate to address the concerns of other population groups had effectively reduced the specific support available to women at the local level.

29. She asked how the Institute went about harmonizing the implementation of plans and programmes of the different entities that came under its authority and whether the State party planned to strengthen institutional services for women, including the support provided by local governments and Municipal Offices for Women's Affairs, and to guarantee the availability of the services provided by the Institute outside the greater metropolitan area. It would also be helpful to know the extent to which civil society was involved in prevention, media and community intervention strategies.

30. Recalling the shortcomings in the indicators of the unified system of statistics on gender violence and the commitment made by the State party to overhaul it, she asked whether the State party had begun that process and what efforts it was making to collect statistical and qualitative information that would allow data disaggregated by gender, age, ethnicity and type of violence, among other variables, to be included in all indicators and official and unofficial reports and studies.

31. In its previous concluding observations (CEDAW/C/CRI/CO/5-6), the Committee had urged the State party to consider assigning ministerial rank to the Executive President of the National Institute for Women to ensure that it had the authority and capacity to mainstream the gender perspective into and coordinate the activities of governmental departments. Although article 14 of the Act on the National Institute for Women provided that the minister responsible for women's affairs could also serve as Executive President of the Institute, a proposal to amend that article so that the Executive President could be appointed by the President and hold the rank of Minister for the Status of Women and Equality was currently before the parliament. She asked what stage had been reached in the consideration of the proposed amendment and what impact it was expected to have if passed.

32. Given that conflict in neighbouring countries had led to a large influx of refugees into Costa Rica, most of whom were women, it would be useful if the delegation could outline the State party's strategy for dealing with female refugees. She also wished to know whether the State party had considered devising a national action plan on women and peace and security, pursuant to Security Council resolution 1325 (2000).

33. **Ms. Hofmeister**, recalling that States parties to the Convention were required to adopt temporary special measures to accelerate the achievement of de facto gender equality, said that time-limited gender quotas in particular had proved to be an essential tool for achieving women's full and equal participation in all sectors of society and their equitable representation in the public and political life of the country. Temporary special measures

could also be used to guarantee women equal and fair access to health-care services, education and employment. Such measures were not intended to benefit only women from the majority population but also women belonging to vulnerable groups. She drew the delegation's attention to the Committee's general recommendation No. 25 (2004) on temporary special measures for guidance.

34. In her view, the greatest challenge facing Costa Rica in the implementation of the Convention was the need to address the intersectionality between gender-based and other forms of discrimination and the multiple discrimination suffered by women belonging to ethnic minority groups. The adoption of temporary special measures might help to address the gender-related dimension of phenomena such as racial discrimination. She would like to receive information on the temporary special measures adopted by the State party to date, in particular those aimed at guaranteeing women belonging to disadvantaged groups equal access to health-care services, education and employment, and on the initiatives undertaken to support impoverished female heads of households and their children.

35. **Ms. Arias Madrigal** (Costa Rica) said that, with a view to combating discrimination against women in the country, the Government had adopted the National Policy for the Care and Prevention of Domestic Violence for the period 2017-2032 and the National Policy on Gender Equality and Equity, which would be completed in 2017. That policy had set out five strategic areas to improve the situation of women, including, non-remunerated work, access to services and political participation. Implementation of the policy had been monitored using an online follow-up system that included goal-based actions and a set of indicators to evaluate their outcomes. The system, which provided for assessments every two years, would be employed for future policies, as it had proved successful. A review of the policy outcomes in 2016 by the Office of the Comptroller General had confirmed the policy goals had been attained, and a consultation with civil society would be initiated shortly on the development of the new National Plan for the Care and Prevention of Domestic Violence. Implementation and follow-up of that plan, which was enshrined in law, would be based on the model pertaining to the National Policy on Gender Equality and Equity. To that end, a committee had been established made up of a technical secretariat under the National Institute for Women, a policy council composed of relevant stakeholders, such as officials of the police and the judiciary, and a wide inter-institutional platform.

36. **Ms. Delgado Cascante** (Costa Rica) said that policies had been adopted laying out a set of affirmative action measures tailored to the specific needs of vulnerable groups of women, such as migrants, detainees, women of African descent and indigenous women, to guarantee their access to justice. Other targeted measures included interpretation in four indigenous languages for legal proceedings, the obligation to consider indigenous peoples' world view and quotas for the inclusion of women with disabilities. Efforts had been intensified in the National Institute for Women and the Gender-Based Violence against Women and Access to Justice Observatory to empower women and to achieve parity in the judiciary, as women came up against obstacles to promotion from the middle to the higher ranks of the judiciary and their representation at senior levels was thus inadequate. Following difficult negotiations with the Executive Board, a regulation had been adopted in May 2017 to achieve horizontal and vertical parity of the presidency of the Court of Justice.

37. **Ms. Mora Mora** (Costa Rica) said that changes in societal attitudes were vital to the achievement of gender equality. While quotas were a step in the right direction, they did not necessarily guarantee parity. Under the parity policies in place to guarantee women's effective political participation, mechanisms had been established requiring that political parties not only ensured vertical parity in each electoral list for the Legislative Assembly, with men and women alternating, but also horizontal parity in all provincial electoral lists, with women and men alternating as the candidates listed first, with a view to ensuring that women occupied leadership posts. There were also rules on parity for boards of directors and associations, trade unions and community organizations. By law, State institutions were required to replace any member of a board of directors who stepped down with a woman until parity was achieved. A bill to implement the principle of parity in government ministries and vice-ministries would be presented to the plenary of the Legislative Assembly shortly.

38. Forums had been set up to deal with issues relating to people of African descent and indigenous peoples. Plans were drawn up based on agendas prepared by those groups to ensure that their world views were taken into account. The Ministry of Work and Social Security had developed the "My First Job" programme, which aimed to promote new employment opportunities for women, young persons and persons with disabilities. Under the programme, significant Government subsidies were provided and a 40 per cent quota for women was in place. The Executive President of the National Institute for Women had been granted the status of minister without portfolio.

39. **Ms. Ameline** asked whether the national measures envisaged to achieve the Sustainable Development Goals covered gender equality.

40. **Ms. Mora Mora** (Costa Rica) said that it was important to avoid duplication of work when it came to existing international and regional agreements on sustainable development. A national agenda would be drawn up that aligned regional agreements with the Sustainable Development Goals. Discussions were also being held to ensure that the National Policy on Gender Equality and Equity explicitly set out the ways in which strategic areas were aligned with the Sustainable Development Goals. The Ministry of the Environment and Energy was developing initiatives on climate change that took into account women's role in that regard and the specific impact on them.

41. **Ms. Delgado Cascante** (Costa Rica) said that efforts were being made to integrate Sustainable Development Goals 5, 17 and 18 into the work of the judiciary. A mobile application had been designed to raise awareness among teenagers of the risks of early pregnancy. Measures for the rehabilitation of young victims of gender-based violence had been introduced, with the participation of civil society, which included helping them to pursue personal goals in order to avoid reliance on an abusive partner.

42. **Mr. Guillermet Fernández** (Costa Rica) said that Costa Rica was the first country to sign a national agreement on implementation of the Sustainable Development Goals. The agreement involved the State, the private sector and non-governmental organizations, which ensured coordination and monitoring from all sectors. A steering group had also been set up to monitor the impact at the national level.

43. **Ms. Arocha Domínguez**, welcoming the adoption of various measures to eliminate discriminatory stereotypes, said that such efforts required significant coordination among institutions and with civil society. Training was crucial for all education system staff, who played a major role, directly or indirectly, in either reinforcing or challenging gender-based stereotypes. Training should also be extended to law enforcement personnel and to print, radio and television journalists given their influence on society. Gender equality could not be achieved without changing attitudes within family structures. Reports had raised concerns regarding the reconciliation of freedom of expression in the press with the need to combat stereotypes and the image of women transmitted through the media.

44. She asked whether integration of the Sustainable Development Goals was envisaged in the National Policy for the Care and Prevention of Domestic Violence. She would appreciate clarification of the interplay between the Domestic Violence Act and the Criminalization of Violence against Women Act and of reports that sentences handed down for cases of violence against women under the Criminalization of Violence against Women Act had been reduced. She asked whether, in cases where women victims of violence who had been afforded protection against violence did not file a complaint, procedures were in place to ensure follow-up and prosecutions. She asked how many women had been murdered who had previously been subject to protection measures but whose cases had not come before the courts, why, according to reports, only a fraction of cases reported resulted in prosecutions and how effective criminal proceedings were in that regard. She asked what kind of technical support the National Institute for Women provided for women victims of violence and whether it encompassed free legal aid. She would like information on the role of the Institute in regions where no branch was present and on how the decentralization process affected its work in that regard. She would also like to know whether cases of violence against older persons were classified as domestic violence and how the Government intended to follow up on the recommendations in the report of the Independent

Expert on the enjoyment of all human rights by older persons on her mission to Costa Rica in 2016 from a gender perspective.

45. **Ms. Haidar** said that, despite the adoption of various measures against trafficking, particularly the National Fund to Combat Human Trafficking and Illegal Migrant Smuggling, and the upgrading by the United States Department of State 2017 *Trafficking in Persons Report* to tier 2, many concerns remained regarding trafficking in persons. As noted in the Department of State report, the definition of trafficking in the national law was inconsistent with international law in that it required a victim to be internationally transported. However, Costa Rican women and children were subjected to sex trafficking within the country. Transgender persons as well as women and girls from various Latin American countries had been identified in Costa Rica as victims of sex trafficking and domestic servitude. In that light, she asked whether there were plans to amend legislation in accordance with international law, whether financial and human resources were available to increase prosecutions of trafficking cases and how the need for specialized shelters and services for victims would be addressed, especially in remote regions and for child victims of trafficking for purposes of sexual exploitation. She asked what was being done to improve victim identification, particularly with regard to the detection of psychological coercion based on the stigma associated with prostitution that made it difficult to turn elsewhere. She requested information on plans to provide training on anti-trafficking measures for police, prosecutors and judges and to improve data collection for law enforcement and victim protection. What measures were envisaged to assist and protect women involved in prostitution? She asked how the Government would address the non-registration of children of indigenous peoples and migrant workers, which prevented them from accessing basic services and left them open to traffickers. She asked what was being done to expedite the current lengthy asylum procedures, which increased the vulnerability of asylum-seeking women to trafficking, in order to improve their access to the labour market and afford them social protection.

46. **Ms. Delgado Cascante** (Costa Rica) said that one of the key tasks of the national mechanism for the defence of women's rights was to ensure continuous investment in training for public officials. In that regard, the Government had established centres for ongoing training in central institutions. For example, both the judicial branch and the police had their own training colleges providing a broad range of courses, including on the subject of violence against women. Similar training modules were also available for health-care and educational professionals. During the period covered by the report, around 20,000 members of the judiciary had participated in courses on, among others, violence against women and human trafficking. In education, a pilot project offering virtual training on gender issues, including gender-based violence, to teachers and pupils alike was now carried out on a permanent basis. So far, around 87 schools throughout the country had registered. In addition, a process had been launched in 2017 to provide preschool teachers with training on gender equality and the prevention of violence.

47. Two observatories, namely the Women's Portrayal in Advertising Observatory and the Gender-Based Violence against Women and Access to Justice Observatory, played a role in monitoring women's representation in the communications media, providing valuable insight on the perception of women in society and their portrayal in the media and receiving complaints from the public. Relevant guidelines had also been drawn up in cooperation with members of the media and advertising industries, although the initiative had not been as widely supported as had been hoped.

48. **Ms. Arias Madrigal** (Costa Rica) said that the vast majority of reported cases of domestic violence were heard in the civil courts and settled in the victim's favour, and protection measures were applied. When it came to criminal cases, however, the data was less encouraging: many cases were dismissed, partly owing to the fact that women victims sometimes withdrew their complaints or refused to testify in court. In the worst cases, women victims were killed by their aggressors before the case could be completed.

49. Focal groups established to identify why women retracted their complaints found that many women were not interested in seeing their abusive partners imprisoned; they simply wanted the perpetrator removed from the home and prevented from attacking them and assurances that they would pay child maintenance. In that light, more needed to be

done to raise awareness of the issue of domestic violence and to encourage and support victims to come forward. Even so, there had been a slight increase in the number of criminal convictions, and the courts made use of the full range of legal options open to them, such as pretrial detention, whenever a woman lodged a complaint of domestic violence. However, the Government recognized that measures needed to be taken to tackle the problem comprehensively, taking into consideration cultural, social and economic factors and getting men to take up the cause of ending violence against women and changing outmoded perceptions of masculinity.

50. Lastly, steps were being taken to amend article 172 of the Criminal Code, on trafficking in persons, so as to ensure a more comprehensive approach and incorporate aggravating circumstances related to that offence. The creation of special prosecutors had proved effective in dealing with trafficking cases, resulting in improvements in the latest trafficking data, which, in turn, had led to Costa Rica being upgraded from tier 3 to tier 2 in the United States Department of State *Trafficking in Persons Report*.

51. **Ms. Mora Mora** (Costa Rica) said that, in the event that a perpetrator of domestic violence breached any of the preventive measures handed down by the civil courts, the case would automatically be referred for criminal action. However, some women victims were reluctant for their cases to be brought before the criminal courts, which contributed to the high number of cases that were dropped. In that light, the National Institute for Women had formed an alliance with the Bar Association with the aim of improving access for women victims of violence to legal services. In terms of civil cases, the National Institute for Women acted in a capacity akin to that of the Public Defence Service, providing legal assistance to women who requested it. All of the country's provinces were covered by the Service, which included access not only to lawyers but also to psychologists.

52. The National Fund to Combat Human Trafficking and Illegal Migrant Smuggling now had sufficient funds to enable it to implement projects and carry out training and awareness-raising on trafficking. Plans to set up a shelter specifically for trafficking victims had been shelved for the time being, owing to the fact that demand was currently being met by shelters for victims of violence and the Victim and Witness Protection Office, which provided comprehensive care and temporary accommodation.

53. The birth registration system was generally very efficient, since births were automatically registered by hospitals. Contingencies were also in place to ensure that home births were also promptly registered. That said, Costa Rica, and the Central American region as a whole, was facing a massive influx of migrant workers. There had been issues with bottlenecks on the border with Nicaragua and, at one point, as many as 3,000 migrants had been arriving in Costa Rica daily. The situation had prompted discussions regarding the registration of migrant children born on Costa Rican soil; as far as she was aware, however, there had been no reported complaints in that regard. Lastly, inheritance issues were often at the root of domestic violence against older persons. The application of domestic violence legislation was limited to cases involving spouses and partners; however, various precautionary measures were available in cases of violence committed against parents by their children.

54. **Mr. Guillermet Fernández** (Costa Rica) said that, regarding birth registration, mobile teams had been sent out to register the children of the Ngöbe-Bugle indigenous group from Panama, who crossed the border with Costa Rica for seasonal work, and thus plug a gap in the birth registration system. In total, some 9,000 unregistered Ngöbe-Bugle children and adults had now been registered by those teams.

55. Asylum seekers were granted immediate access to health-care services and education and, after three months, they also had the right to work, irrespective of their refugee status. On average, it took two-and-a-half years for an asylum seeker's application to be processed and their status confirmed, a period that included notification of the initial decision, which usually occurred within nine months, and the right of appeal. Lastly, gender had recently been added as a ground for granting refugee status.

56. **Ms. Arocha Domínguez** said that she wished to know whether it was possible for the Bar Association to actively identify vulnerable women who might need legal assistance

rather than wait for them to request it. The concern was that, owing to the scant resources available, those women who really needed representation might not receive it.

57. She noted that the Committee on the Rights of the Child had raised concerns regarding deficiencies in the registration of births of children not only of the Ngäbe-Buglé indigenous group from Panama but also of migrant workers from Nicaragua and certain indigenous groups living in remote areas. Updated information in that regard would therefore be welcome.

58. **Ms. Halperin-Kaddari** said that, while the legal aid initiative provided in cooperation with the Bar Association was commendable, it did not release the Government from its obligation to provide free legal assistance. She wished to know whether training on domestic violence was mandatory for all judges and whether there were also courses covering other gender issues.

59. **Ms. Mora Mora** (Costa Rica) said it was true that the social advocacy services provided by the Bar Association and wholly funded by the National Institute for Women were not necessarily sustainable in the long run. However, the ultimate aim of the project was to demonstrate that providing comprehensive victim support and protection was crucial for obtaining criminal convictions. In so doing, it was hoped that changes could be made to the Protection of Victims and Witnesses Act and more comprehensive State-funded support provided.

60. **Ms. Arias Madrigal** (Costa Rica) said that the Public Prosecution Service was, admittedly, more focused on obtaining the best results in criminal proceedings than on protecting victims. That said, the Protection of Victims and Witnesses Act provided that victims of violence were entitled to protection measures both within and outside the legal process; however, it had not yielded the hoped-for results, partly because victims did not welcome the constant police presence. It was for that reason that the Bar Association social advocacy services had been established. However, a formal and sustainable system of support and protection for victims of domestic violence was needed to replace the current, somewhat ad hoc, approach.

61. Training on gender issues was indeed mandatory for all members of the judiciary, and all newly recruited judges were obliged to undertake training on violence against women. The gender perspective was also a cross-cutting issue and formed part of judges' continuous professional development. In 2016, around 12,000 women and 14,000 men had undertaken training on gender issues, while the Judicial Training College regularly conducted awareness-raising and held workshops on topics such as gender equality, new perceptions of masculinity, access to justice and human rights.

Articles 7 to 9

62. **Ms. Hofmeister** said that she was concerned at the lack of progress made to achieve gender parity and boost women's participation in political life. In fact, the number of women Members of Parliament had actually decreased following the 2014 elections. In that connection, she wished to know why the State party had still not implemented the gender parity system for posts elected under the majority representation system, as had been recommended by the Committee in its previous concluding observations, what steps had been taken to increase women's representation on the boards of international corporations and to what extent did women occupy leading and decision-making roles in public and private companies. She noted with interest that a bill had been drafted with the aim of eliminating political violence against and harassment of women. She would welcome information on the main issues covered in that bill and the legal definition of political harassment. Information on the status of women's NGOs and women human rights defenders would also be appreciated.

The meeting rose at 1 p.m.

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Committee on the Elimination of Discrimination against Women
Sixty-seventh session

Summary record of the 1509th meeting
Held at the Palais des Nations, Geneva, on Friday, 7 July 2017, at 3 p.m.

Chair: Ms. Leinarte

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Seventh periodic report of Costa Rica (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of Costa Rica (*continued*) (CEDAW/C/CRI/7; CEDAW/C/CRI/Q/7 and Add.1)

Articles 7 to 9 (*continued*)

1. *At the invitation of the Chair, the delegation of Costa Rica took places at the Committee table.*

2. **Ms. Manalo** said that she wished to know how many male and female ambassadors there were in the country's diplomatic services and whether a policy had been adopted to attract women to the service. She asked whether there was a regulation concerning husbands and wives working in the same service. She wondered what was being done to promote preventive diplomacy in Costa Rica, particularly in the light of Security Council resolution 1325 (2000).

3. With regards to transmission of nationality, she would welcome clarification as to whether the births of infants born out of wedlock could be registered if the father's name was not recorded. Given that children who were not registered were exposed to the risk of stateless even if their mothers were Costa Rican, she wished to hear what measures were in place to prevent that from happening.

4. **Mr. Guillermet Fernández** (Costa Rica) said that, as of June 2017, there were 83 men and 90 women in the Costa Rican foreign service. In addition, 33 heads of mission were men and 17 were women; however, all of the members of the Permanent Mission in Geneva were women. Costa Rica had not yet trained female diplomats in the Security Council resolution on women and peace and security, although a female police officer had been sent on a peacekeeping mission for the first time in 2017. Police officers had also been sent to take part in the United Nations Mission in Colombia as part of efforts to train both male and female police officers in preventive diplomacy.

5. **Ms. Mora** (Costa Rica) said that three main actors were engaged in work towards achieving gender parity in parties: political parties, the Supreme Electoral Tribunal and female political candidates. Political parties were responsible for ensuring gender parity, as required by the Electoral Code. Candidate lists could not be registered, nor funds allocated, unless there were equal numbers of men and women candidates, which was a major challenge for political parties. The parties had to negotiate solutions when that was not the case. The Supreme Electoral Tribunal had the power to reject party lists and withhold funds as had happened recently unless parity had been achieved. The Tribunal thus had complete control over the electoral lists. Nevertheless, gender parity was not enough; there had to be a parallel process of women's empowerment. In order to clear the way for women in politics, it was necessary for some male politicians to stand down. Voters were another key stakeholder who should be encouraged to use their vote to demand gender parity. A great deal of work had been done with women in political parties, namely a permanent training programme within the National Institute for Women (INAMU). An organization of women from political parties had been set up and meetings had been held with them in order to establish strategies to overcome weaknesses in the electoral procedures. A bill on gender parity that would apply to mayors was currently under discussion.

6. A bill that sought to deal with physical, psychological or sexual harassment against women or their families had been put forward. One of the objectives sought by Costa Rica during its presidency of the Inter-American Commission of Women was to introduce a framework law, which covered women in trade unions and other organizations, to address political violence in Latin America. The National Institute for Women had highlighted the importance of having a range of penalties — criminal and others — for perpetrators of political violence.

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7. **Ms. Manalo** said that, since the foreign service, and not the police, was responsible for drawing up the political and legal framework for preventive diplomacy, she wished to know what role female diplomats played in such action.

8. **Mr. Guillermet Fernández** (Costa Rica) said that married couples were able to serve in the diplomatic service, and indeed the same mission, as long as they were not in a hierarchical relationship that would preclude them from being assigned together. He would bring the suggestion concerning the training of women in preventive diplomacy to the attention of the Ministry of Foreign Affairs.

Articles 10 to 14

9. **Ms. Verges** said that, although she welcomed the steps taken towards gender equality, no mention had been made of such steps in the area of education. Was this an omission or a shortcoming? She would welcome clarification as to whether the equality policy for education mentioned in the periodic report was new or whether it was an update of the policy from the combined fifth to sixth periodic reports (CEDAW/C/CRI/5-6), for which an action plan was expected. During the last reporting cycle, the delegation had been unable to provide information concerning the enrolment rates for secondary and tertiary education or data on the dropout rates for different segments of the population. She wished to know what measures were being taken to promote bilingualism, particularly among disadvantaged communities. She would welcome information on the measures that the State party intended to take to lower the dropout rate, especially among pregnant girls. The State party report stated that, although enrolment on vocational training courses had increased, they tended to be in areas traditionally associated with women; she thus would like to know what measures had been introduced to encourage women to undergo training in subjects traditionally dominated by men.

10. **Ms. Acosta Vargas** said that she welcomed the State party's ratification of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). However, there were still discriminatory stereotypes and a large gender pay gap of around 30 per cent. Women were overrepresented in low-paid jobs and in the informal sector. She wished to know what the main policies were to deal with that situation. She wondered whether there was a link between unemployment and underemployment of the female population and free trade agreements and what measures the State party was implementing to reverse that trend.

11. Noting with satisfaction the progress made in implementing the Committee's recommendations on creating a balance between work and family life, she wished to know whether more ambitious plans were being considered than the current six days of paternity leave, which was left to the discretion of the employer, as there was no law in place. She wondered if there were any plans to ratify the ILO Workers with Family Responsibilities Convention, 1981 (No. 156).

12. She wished to know whether the Government had brought domestic legislation into line with the ILO Domestic Workers Convention, 2011 (No. 189). The Committee would also like to know whether domestic workers had been informed of their new social security entitlements. Furthermore, the Committee was aware that child labour had decreased in the country; she would welcome any details of plans to eradicate it definitively.

13. The Committee had received reports that land owned by indigenous peoples and communities of African descent had been encroached on by various actors, without the communities having been given the opportunity to challenge such encroachments through the appropriate channels. Many of the community leaders were women. The Committee wondered whether those leaders were the subject of affirmative action measures to ensure access to justice, in spite of heavy court workloads, and whether the communities had been made sufficiently aware of the forms of protection open to them.

14. **Ms. Arocha Domínguez** said that she was concerned about a number of pending issues where little progress had been made, such as the lifting of the ban on in vitro fertilization, the introduction of guidelines on practising legal abortion and the incorporation of a new chapter into the law on sexual and reproductive health rights. She wished to know what measures were being taken to remove obstacles preventing women

from deciding on the number of children they had and at what intervals and to follow best practices already existing in countries in a similar situation to that of Costa Rica. She would welcome information on the action being taken to raise awareness of family planning services with a view to reducing teenage pregnancy. She asked how teenage pregnancies that were the result of sexual assault by family members or with persons known to the victim were dealt with. Given that, according to Government statistics, it was mostly women who took responsibility for contraception, she wondered whether men played an active role in the new family planning policies and initiatives, especially concerning the use of condoms, which also prevented the spread of sexually transmitted diseases, including HIV/AIDS. Information concerning the status of the amendment to the HIV/AIDS Act, which sought to end discrimination against and stigmatization of men and women with HIV/AIDS, would be helpful. Furthermore, she wished to know what programmes were in place for women and transsexuals who engaged in prostitution and transactional sex. Finally, she would appreciate hearing about the State party's plans to introduce maternity care programmes for the indigenous and Afro-Costa Rican communities and efforts to ensure that childbirth practices were respectful of the women in those communities and safeguards against abuse were in place.

15. **Ms. Arias Madrigal** (Costa Rica) said that the gender equality policy had been designed specifically for the educational sphere. Regarding statistics, disaggregated school enrolment and dropout figures for all levels was shown in table 19 of the annex to the periodic report. The table, updated in January 2017, showed that there was a slightly higher dropout rate for boys than for girls. To lower the school dropout rate, the programme "Yo me apunto" (Sign me up) had been promoted on television and in the press. As part of that programme, in some areas of the country, services were available to care for the children of young mothers while they attended night classes.

16. In 2016, the Ministry of Science and Technology had undertaken to encourage girls to take an interest in information and communication technology. A national policy on women and information technology was currently under development. Although there had been a slight increase in the number of women following non-traditional career paths in recent years, cultural barriers still remained.

17. **Ms. Mora** (Costa Rica) said that the Government was aware that women working in the informal sector and in the rural economy were particularly affected by labour market participation gaps. Consequently, a tripartite committee composed of employers, trade unions and governmental bodies had been established in early 2017 to deal with the informal economy, and a proposal had been advanced to gradually expand the coverage of the Social Insurance Fund of Costa Rica. Furthermore, strategic action had been taken to close the gender gap in science and technology. In that context, the National Institute for Women had participated in an initiative involving the multinational corporation Intel, the Ministry of Science, Technology and Telecommunications and the Ministry of Education. The offices of the First Lady of Costa Rica and the Vice President of the United States had cooperated on a knowledge transfer programme for primary school teachers so that girls were encouraged to take an interest in science and technology from an early age.

18. The promotion of women's labour market participation focused on expanding care services so that women were free to take up employment and lift themselves and their families out of poverty. A survey had been conducted on the childcare needs of working women, excluding women living in poverty, for that purpose, and a gender equality seal was used to require companies to show that male and female employees were able to reconcile their work and family life, for example through parental leave and flexible working arrangements. The Government had also introduced an indicator of multidimensional poverty that took women's care responsibilities into account and which had revealed that women accounted for more than 92 per cent of persons in poverty. The introduction of paternity leave was a proposal that had initially encountered scepticism but was now viewed positively and had been incorporated into a new bill proposal.

19. Concerning the ratification of ILO Convention No. 156, the National Institute for Women had called upon the Ministry of Labour and Social Security to submit the proposed legislation to the Legislative Assembly for discussions with a view to its adoption.

20. With respect to women's ownership of land, the National Institute for Women had been called upon to assist women victims of violence in the Salitre indigenous territory who had come forward, while the Institute for Rural Development had recruited a team of topographers to establish the boundaries of indigenous territory and determine how much of it was no longer in the hands of indigenous peoples. The police played a leading role on the ground and were fully aware that violence was an issue.

21. In the health sphere, the comprehensive draft amendment to the General HIV Act was awaiting the final approval of the parliament, having received a positive opinion from the relevant committee. The Government also wished to highlight its efforts to integrate transwomen, many of whom worked in prostitution and had never had the opportunity to gain the skills needed to enter the labour market. The women had been encouraged to participate in training programmes on issues such as gender violence and the recovery of self-esteem, before being referred to the National Training Institute for specific skills training. The Government was also implementing the Meso-American Project for the Prevention of Teenage Pregnancy, which had resulted in a noticeable drop in adolescent pregnancy rates in the provinces of Guanacaste and La Cruz, and also addressed early pregnancy under a bill banning sexual relations with minors that would introduce harsher sentences for adults who were members of the minor's family. The National Plan for the Care and Prevention of Domestic Violence recognized such relations as a factor in adolescent pregnancy and proposed to work with adolescents to combat that particular form of violence.

22. **Mr. Guillermet Fernández** (Costa Rica) said that, in response to international human rights obligations, the Ministry of Health had drafted a technical regulation providing clinical guidance on therapeutic abortions in public hospitals. Owing to the sensitivity of the issue, the regulation was being given careful consideration but would recognize the need to protect the life and health of the mother and to provide a legal framework for medical professionals.

23. **Ms. Acosta Vargas** said she was concerned that migrant women were required to obtain a work permit, but might not know how to proceed when the issuance of such permits was delayed. Were the rights of migrant women adequately protected and were they informed about how to obtain the necessary documents?

24. **Ms. Verges** said that she wished to know what specific measures the Government was taking to prevent adolescent mothers from abandoning their school studies.

25. **Ms. Arocha Domínguez** said that she would be interested to know whether Costa Rica planned to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Given that Costa Rica had the technical capacity to develop health regulations and treatment protocols, she wondered what obstacles stood in the way of issuing guidelines for therapeutic abortions.

26. Mr. **Guillermet Fernández** (Costa Rica) said that, originally a country of destination for migrant workers, Costa Rica had become a transit country and was also experiencing a small amount of out-migration for the first time. A debate was taking place in the Government on whether to accede to the Migrant Workers Convention, with the Ministry of Foreign Affairs, the Directorate General for Migration and the Ombudsman's Office taking different positions, although ratification remained unlikely in the near future.

27. **Ms. Mora** (Costa Rica) said that the "Yo me apunto" programme aimed at preventing children — including pregnant adolescent girls and teenage mothers — from dropping out of school and encouraging those who had done so to return. The Meso-American Project for the Prevention of Teenage Pregnancy aimed to improve girls' knowledge and focused on two regions of Costa Rica with high rates of early pregnancy. The efforts to prevent teenage pregnancy and school dropout were coordinated by the Social Insurance Fund of Costa Rica and the Ministry of Health, which provided training and counselling services and information on contraception and antenatal and postnatal care. The Avancemos ("Let's move forward") conditional cash transfer programme was implemented so that disadvantaged and poor families could receive economic assistance, on the condition that the children remained in the education system.

28. **Mr. Guillermet Fernández** (Costa Rica) said that the Government was following a road map to free Costa Rica from child labour and its worst forms, in keeping with a national strategic effort that involved employers and trade unions. The initiative was monitored by the Ministry of Labour and Social Security.

29. **Ms. Mora** (Costa Rica) said that the Ministry of Education continued to implement a comprehensive programme on emotional relations and sexuality despite opposition from some parents. In fact, the programme had been expanded and was an important aspect of State policy on sexuality and relationships. On the question of land ownership, 153 concessions had been granted to residents living in the State-owned border zone with Panama.

30. **Ms. Acosta Vargas** said that she welcomed the strengthening of the credit programmes for micro, small and medium-sized enterprises managed by women. It would be helpful to have information on the impact that such programmes had had on women's employment and economic autonomy and on the involvement of women's NGOs in them. The Committee would also appreciate clarification of the links between national social inclusion policies and the implementation of the 2030 Agenda for Sustainable Development, such as the setting of targets to eradicate poverty and forms of social exclusion that particularly affected women.

31. The Government was to be commended for its non-contributory pension scheme, which covered persons over 65 years of age, persons with disabilities, widows and low-income persons who had never paid social insurance. However, given that the pension was often drawn by indigenous persons, particularly women, the Committee was concerned about the general comments made by the Independent Expert on the enjoyment of all human rights by older persons that the administration system was saturated, that older persons encountered obstacles in withdrawing the allowance and that pensions were sometimes misappropriated by relatives. She wished to know what the Government was doing to identify such shortcomings and take measures to address them. Lastly, she wondered whether Costa Rica had advanced in its efforts to promote local sport and recreation, including in the educational system and in priority care zones, indigenous territories and areas with large populations of persons of African descent.

32. **Ms. Bethel** said that, while rural women played a significant role in the economic survival of their families and communities, they received little recognition or reward and were often denied access to the benefits of the development process. She therefore welcomed the information that 303 parcels of land and 740 titles to land had been awarded to women between 2014 and 2016, but wished to learn what percentage of the total those allocations represented and what percentage had been granted to indigenous women, women of African descent and women with disabilities. Was the allocated land sufficient to respond to the demands and needs of rural women? She also asked what further measures were being considered to improve access to land and how the State intended to prevent the dispossession of land belonging to indigenous rural women.

33. Given that lack of participation was a cause and consequence of poverty, the State party had undertaken commendable efforts to promote women's participation in rural development councils, so that women accounted for 46 per cent of participants, as well as 4 chairs and 18 vice-chairs of the steering committees of those councils. However, disaggregated data might be provided on the percentage of women occupying such leadership roles including women from ethnic minorities and women with disabilities. What measures were being taken to further increase the influence of women in rural development and decision-making? She would also be interested to learn whether any study had been done on the impact of the new model of territorial governance on the lives of rural women.

34. Since a transformative approach was needed to ensure equal access to education, the State party should describe the steps it was taking to promote women's rights and access to education, training and literacy and to overcome barriers such as negative cultural attitudes and excessive domestic duties. She would appreciate details of the measures being taken to improve the employment situation of rural women and girls, the impact of training programmes, the proportion of participants that found employment and women's access to

market facilities, technology and social security programmes. The Committee would also be interested to know what substantive gains had been achieved by rural women as a result of the two programmes to promote women's business activity and entrepreneurship referred to in the report, Start a Business and FOMUJERES.

35. **Mr. Almendares Fernández** (Costa Rica) said that the Rural Development Institute had established an inclusive model of governance for development in rural areas. Approximately 28,000 people, of whom almost half were women, had been involved in rural development efforts. A new territorial model of governance had also been developed to enable civil society and public companies to work together to develop local regions. In addition to participating in planning of the use of land, rural women were members of all steering committees of the Territorial Council for Rural Development, alongside representatives of indigenous people, people of African descent, persons with disabilities and older persons. The number of female chairs and vice-chairs of those committees had increased, and all territories had introduced projects to foster the economic empowerment of women. Regarding access to land, during the reporting period, approximately 33 per cent more land permits had been granted to women than to men. There was no longer any requirement for land to be registered in both a man's and women's name and women heads of household had been able to register land in their own name since 1995.

36. **Ms. Bethel** asked whether men and women had equal access to land in rural areas. She would also appreciate data on women in leadership positions disaggregated by ethnicity.

37. **Mr. Almendares Fernández** (Costa Rica) said that her delegation did not have the data disaggregated by ethnicity to hand but could provide the information in writing at a later date. In association with rural women's organizations, a number of ministries had jointly developed a pilot project in the south of the country to improve access to land, credit and funding in order to enhance women's empowerment. The results of the pilot project had recently been examined and a joint proposal had been made on the improvements necessary to ensure women's access to the relevant services. A programme had also been implemented to help female owners of small businesses, in addition to initiatives to improve access to education and health care.

38. Legislation on territorial and rural development had been drafted, but it remained difficult to demarcate the boundaries of the country's 24 indigenous territories. The presence of non-indigenous people in those territories had given rise to some conflicts. The Government intended to complete the demarcation process and turn the land over to the appropriate indigenous authorities.

39. **Ms. Arias Madrigal** (Costa Rica) said that the entrepreneurship programme for women in rural areas with micro-, small and medium-sized businesses had provided individuals and groups of women with funding and the opportunity to build their technical capacity and find new markets. Part of those businesses were run by women with disabilities. The relevant legislation on entrepreneurship and farming. Hundreds of women affected by Hurricane Otto had also received funding.

40. **Ms. Mora** (Costa Rica) said that the gender equality seal for small and medium-sized businesses covered both public and private sectors. In the process of applying the seal, deficiencies in gender equality were identified and the seal was given if they were overcome. Where the seal was not awarded, good practices were recommended. In addition, a football project conducted in the indigenous territories had succeeded in involving indigenous women in the sport, which was otherwise dominated by men.

41. **Ms. Halperin-Kaddari** said she wondered whether the National Institute for Women had taken any steps to ensure that the widely discredited theory of parental alienation syndrome was rejected by the courts when deployed by men as an argument in child custody and child support cases. She would be grateful if the delegation could comment on reports that a film on the syndrome had been screened in judicial institutions, which was at odds with the State party's claim that judicial training in the country was gender sensitive and impartial. In addition, she wished to know whether there were any legislative provisions requiring judges to take acts of domestic violence committed by fathers against mothers into consideration in custody hearings. She also asked whether there

were measures to prevent fathers pursuing shared physical custody in order to avoid child support payments.

42. As community of property between spouses was used in Costa Rica, and married women tended to be kept out of the labour market because they bore a larger share of the burden for raising children and often had lower earning potential than their husbands, she wished to know whether there were any mechanisms to take into consideration the economic disparity between couples upon divorce. She would also welcome clarification of the provision of legal aid in Costa Rica, which appeared to be very limited and affected the ability of women to realize their rights.

43. **Ms. Mora** (Costa Rica) said that the Institute had been working on projects involving the so-called parental alienation syndrome, child support and domestic violence. In addition, psychologists had determined that parental alienation syndrome did not exist and therefore had no place in the legal system. The Institute was also working with the judiciary to ensure that judicial officers received proper training in areas such as violence against women.

44. Alimony was the only available mechanism to compensate for the difference in the earning potential of divorced couples with communal estate settlements and was awarded after taking buying power and standards of living into account.

45. **Ms. Delgado Cascante** (Costa Rica) said that the use of parental alienation syndrome in alimony and custody cases did not indicate widespread legal acceptance of the syndrome. Between 2012 and 2016, there had been an increase in the number of alimony cases and the number of public defenders assigned to those cases. Over 80 per cent of alimony cases were brought by women and, in over 90 per cent of cases, alimony was over $200 per month.

46. **Ms. Halperin-Kaddari** said she wished to know when women were entitled to public defenders, as it appeared that they did not receive legal assistance in relation to property rights. She also drew the delegation's attention to the Committee's general recommendation on article 16 of the Convention relating to the economic consequences of marriage, family relations and their dissolution (CEDAW/C/GC/29). In addition, she would appreciate information on programmes and draft legislation, including relating to parental alienation syndrome, in writing.

47. **Mr. Guillermet Fernández** (Costa Rica) said he wished to draw the Committee's attention to the fact that Member States had recently adopted a treaty on the prohibition of nuclear weapons under the leadership of the President of the United Nations conference to negotiate a legally binding instrument to prohibit nuclear weapons leading towards their total elimination, Ms. Whyte Gómez of Costa Rica.

48. **Ms. Mora** (Costa Rica) said that her delegation greatly appreciated the opportunity to engage in the very constructive dialogue with the Committee. The questions raised and suggestions put forward would guide her Government's efforts to fulfil the commitments it had made under the Convention.

The meeting rose at 5 p.m.